



HELICOPTER NOISE COALITION OF NEW YORK CITY (HNC)

APPENDIX : 453 Pages

Comments to Docket No. 30086 -- FAA Study
to Reduce Effects of Nonmilitary Helicopter Noise
September 20, 2000

Page

| | |
|---------|---|
| 1 | A. HNC Sample Newsletter |
| 10 | B. Sample Manhattan Borough President's Helicopter Task Force Meeting Agenda |
| 11 | C. Sample HNC Testimony |
| 13 | D. Selected Testimony of Elected Officials to May 6, 1998 City Council Aviation Noise Hearing |
| 36 | E. Sample Community Board Resolutions |
| 38 | F. News Articles on Lawsuits |
| 61 | G. HNC Noise Study |
| 63 | H. NYC Helicopter Master Plan Recommendations and Community Questionnaire |
| 67 | I. HNC Master Plan Critique |
| 72 | J. Sample NYC Helicopter Oversight Committee Agenda |
| 74 | K. Legislation: HR 729, A 8276, A 2753 |
| 81 | L. Selected Letters of Complaint |
| 109 | M. Sample Hotel Letter |
| 110 | N. NRDC "Needless Noise" Summary |
| 119 | O. News Articles on Safety / Letters on Safety |
| 186 | P. Air Pollution Sample Letters |
| 189 | Q. National Security Sample Letter |
| 191 | R. Property Value Sample Letter |
| 192-453 | S. News Articles (Excluding Legal and Safety) |



414 E 65TH ST. #6J • NEW YORK, NY 10021-7144 • 212-628-3126

HELICOPTER NOISE COALITION **OF** NEW YORK CITY

A.
HNC
Sample
Newsletter

May 5, 2000

Dear Friend,

Our campaign against negative helicopter impacts continues.

1. **Helicopter Complaint Number.** The city has established a telephone line for helicopter complaints -- 212-312-3964. Call this number to register your complaint including location, date, time, duration, and nature of the event -- circling, hovering, etc. Your complaint will be recorded. If you wish a return call from an Economic Development Corporation (EDC) staff member, leave you name and number. **We urge all those experiencing helicopter problems to call the complaint line and to give the number to others affected. We also ask our elected officials and community boards to circulate this number in their newsletters.** Documenting the problem is the first step toward obtaining relief.

2. **Heliport Accident.** There has been yet another accident at the West 30th St. heliport. On February 14, 2000 a taxiing helicopter hit the heliport fence and the rotor blade tips flew off damaging the terminal and numerous automobiles. New York City heliports -- small, surrounded by hazards, utilizing inexperienced pilots -- continue to jeopardize people as well as property.

3. **Osprey Crash.** The tilt-rotor Osprey crash in Arizona on April 18, 2000 killing 19 marines is an ominous warning to NYC residents. The city's Helicopter Master Plan advocates vertiports for rotor craft in Manhattan. Tilt-rotor craft (they take off like helicopters and cruise like planes), like helicopters, constitute a danger to residents and have no place in our crowded residential city.

4. **Nationwide Helicopter Noise Study Legislation.** Kudos to Congressmembers Carolyn Maloney and Jerrold Nadler for securing a helicopter noise study in the Aviation Investment and Reform spending bill (H.R. 1000). The law mandates the Secretary of Transportation to conduct a study on the effects of nonmilitary helicopter noise on individuals in densely populated U.S. areas and to develop recommendations for the reduction of the negative effects of this noise. The time frame for the study and a report to Congress on the results is one year. **We urge our elected officials to use their influence to have this study conducted by an impartial scientific body, preferably the**

1
(en) HNC p. 2

National Academy of Sciences, and not by the Federal Aviation Authority, whose mandate is to increase air travel. We also request a public scoping session for community input into the study design.

5. NRDC Study – "Needless Noise". On January 11, 2000 the Natural Resources Defense Council (NRDC) released its study "Needless Noise: The Negative Impacts of Helicopter Traffic in New York City and the Tri-State Region" (tel: 212-727-2700). This seminal study supports HNC positions regarding the harmful effects of helicopters in NYC, the lack of regulation, and the inadequacies of the Master Plan to protect public health and the environment. **NRDC concludes that New York City has an urgent need for helicopter noise relief.** We thank NRDC for this ground-breaking achievement.

The community impact components of the study are summarized below.

- * **Traffic** – The USA has the largest civil helicopter fleet in the world and NYC is the most heavily helicopter-trafficked area of the country, if not the world. Negative helicopter impacts will increase nationwide as numbers of helicopters and numbers of flights grow.
- * **Helicopter Noise** – The public perceives helicopter noise to be twice as loud as comparable decibel-level fixed-wing aircraft and more annoying due to the unique character of helicopter noise.
- * **Health** – Aircraft noise has been found to produce adverse health effects ranging from headaches, sleep disruption and hypertension to compromised cardiovascular and gastrointestinal functions.
- * **Learning** – Research links aircraft and airport noise to reduced learning ability of school children, including impaired reading skills, poorer long-term memory and learned helplessness.
- * **Air Quality** – Helicopter engines have no air emissions standards, so their emissions go unabated and uncontrolled (airplane emissions are regulated).
- * **Statistics** – Government data on helicopter operations is inadequate and data on engine emissions is basically non-existent. Current data does not allow for adequate assessment of environmental impacts of current or future helicopter operations.
- * **Master Plan** – The NYC Heliport and Helicopter Master Plan is insufficient as a planning document, with an inadequate analysis of environmental impacts, sparse noise testing, an incomplete policy discussion of alternatives and spotty public input. The Master Plan slights the substantial research data on the effects of chronic noise on health and learning, minimizes the negative impacts of heavy helicopter traffic on the lives of millions living in the city, and fails to recognize that relocating helicopter traffic from

HNC 2
P. 3

one area to another merely shifts the problem of noise and health impacts onto new populations. The Master Plan underestimates the community, environmental and health impacts of helicopter growth in NYC, such as the obvious need to limit media and other non-essential helicopter traffic.

The Master Plan also includes many provisions for controlling helicopter impacts which NRDC endorses, including non-support of air tours, a Helicopter Oversight Committee, noise-related improvements at heliports, etc. (see section on NRDC regional recommendations).

* **Regulation** -- Compared to other aircraft, helicopters are under-regulated by the FAA: no quietest Stage 3 level of noise certification, no minimum altitude, and generally no required flight paths or regulation of flight frequency, so impacts can be particularly severe. There are currently no Federal, City or State noise regulations that directly limit heliport noise impacts. Most helicopters today are Stage 2 and are louder than several Stage 3 jets.

Nationally, the NRDC study recommends:

- * Stage 3 noise standards for helicopters
- * More research on the effects of helicopter noise on health and learning
- * Congressional passage of HR 729, "The Helicopter Noise Control and Safety Act", requiring the FAA to prepare helicopter risk plans in cities with substantial helicopter noise impacts
- * Better statistics on heliport operations and overflights
- * A 2000 foot helicopter minimum altitude wherever possible
- * Required helicopter noise abatement proceedings for take-off, landing and overflights whenever possible
- * Required helicopter identification readable from the ground
- * FAA assistance promoting local rules to minimize and control helicopter environmental impacts, especially of media, tourist and other non-essential helicopters
- * EPA regulation of toxic helicopter air emissions.

Regionally, NRDC recommends the development of an electronic news gathering operations manual, local noise mitigation procedures, mandatory helicopter flight paths that avoid residential areas, financial incentives for quieter helicopters, ongoing noise monitoring at heliports/ under flight paths, operational statistics by mission, and ground-based heliport restrictions on hours--idling--maintenance--training. NRDC urges NYC to work to ban sightseeing flights over the city, strongly opposes the development of a new west-side heliport on Pier 76 adjacent to the Hudson River Park, and suggests that local public officials consider refusing to zone for heliports.

Our one disagreement is with NRDC's recommendation to keep tourist flights over major waterways. Helicopters over, along and near the Hudson and East Rivers are not away from residential neighborhoods. Helicopters flying along the rivers are intrusive to

residents living on the banks of both the Hudson and East Rivers (Sutton Place, Lower East Side, Brooklyn Heights or Battery Park City) as well as to Roosevelt Island residents living in the middle of the East River. The noise also travels in-land for blocks. Furthermore, helicopters ostensibly flying river routes are routinely sighted flying in-land along the avenues. River routes merely shift the problem to people living near the rivers. Therefore **HNC advocates a ban on non-emergency helicopters for NYC land and waterways.**

This comprehensive, concise document is a primer on the helicopter issue -- problems, regulatory gaps, legal terrain and proposed solutions. We urge you to get a copy, read it and work for implementation of its recommendations.

6. NYC Helicopter Oversight Committee (HOC) Meeting. The first meeting of the HOC was held on January 12, 2000 at EDC, to consider Master Plan recommendations. HNC had four members at the table: Marnie Mueller and Colleen Caron (MBPO appointees), Sylvia Locker (CB2), and Joy Held (HNC). The meeting was chaired by Seven Jacobs, EDC (212-312-3580) assisted by Robert Grotell, Mayor's Office of Transportation (212-788-2925).

Major points included in the HOC discussion:

- * The East 34th Street heliport -- now observes weekend closure and weekday curfews; fuel system operational. HNC opposes the proposed sound barrier as inadequate to protect nearby residents and hospital patients from heliport noise and fumes.
- * News copter guidelines -- Eastern Region Helicopter Council working with news industry to develop guidelines for news helicopters.
- * Hudson River traffic -- West Side residents protest the volume of helicopter traffic over the Hudson River and flight paths of Liberty Helicopters, which continue to overfly West Side neighborhoods.
- * The city is working with Congressional delegations and the FAA for a federal solution to the problem of overflights and hovering helicopters.
- * The city is exploring means to limit tour flights at the Downtown Manhattan Heliport (DTM) prior to 2008 (when federal grant assurances expire), which will become crucial when the West 30th Street Heliport closes in 2001, shifting tour traffic to DTM. The city has met with the FAA and Maloney and Nadler staffs in this regard.
- * The city's prohibition on air tours at city-owned heliports will apply to any new NYC heliport established on city or state land. The city continues to explore sites for a West Side heliport to replace West 30th Street when it closes mid 2001 (The city's air tour prohibition pertains to land only. Tour helicopters will continue to fly in NYC airspace

until airspace controls are enacted.). **HNC opposes the opening of any new heliports in NYC.**

* While flight redistribution was discussed, the city has still not released NYC heliport statistics for the years 1998 and 1999, despite numerous requests for this data!

The next meeting will be in June.

7. MBPO Helicopter Task Force. The Manhattan Borough President's Helicopter Task Force met on January 10, 2000 to discuss Master Plan recommendations. The meeting was chaired by Robert Kulikowski (212-669-8164). Community residents stated that helicopter tours are crossing Manhattan again, helicopters continue to wake people up, and low flying helicopters are accidents waiting to happen. The Port Authority opposes fuel capability at DTM. CB4 and HNC oppose any new heliport on the west side waterfront from Battery Park to West 59th Street. The Master Plan ignored existing studies documenting the negative impact of aircraft noise on health and well being. Brooklyn residents oppose increased helicopter traffic over their new waterfront park. The news copter manual is complete, with guidelines on hovering, hours of operation, and specific events coverage. Channel 7 doesn't overfly Manhattan unless there is breaking news. There was a call to support reopening of the EPA's Office of Noise Abatement and Control. The city is asking the FAA to treat NYC as a unique entity due to the high volume of helicopter activity, so that special airspace controls can be enacted. There is still no plan to count helicopter traffic in NYC airspace.

8. Aircraft Noise Meetings. I attended the meeting on aircraft noise in New York and New Jersey held on March 8, 2000 at the Noise Center of the League for the Hard of Hearing. The meeting was chaired by Arline Bronzaft, Mayor's Council on the Environment. Nancy Nadler of the Noise Center discussed the Noise Center mission pertaining to aircraft noise. Les Blomberg, Noise Pollution Clearinghouse, reported on the national conference on aircraft noise NPC sponsored last November in conjunction with USCAW. Attendees compiled a list of goals including noise regulations and minimum altitudes for helicopters. The next meeting is scheduled for May 11, 2000.

Councilwoman Julia Harrison organized a meeting in Queens on aircraft noise held April 30, 2000. Diana Schneider addressed helicopter noise impacts.

9. Noise Awareness Day. International Noise Awareness Day was held on April 12, 2000. Diana Schneider visited two schools to educate children about air craft noise impacts. Noise continues to top all quality of life complaints registered with the police and the city's Department of Environmental Protection. According to Nancy Nadler, noise is making an increasing proportion of NYC residents deaf (both young and old).

10. HNC Lawsuit. Two years after filing suit to close the East 34th Street heliport, HNC received a negative decision from Judge Daniels of New York State Supreme Court on July 13, 1999. The judge ruled that the claim that the heliport constitutes a public

5
(over)

HNC P 6

nuisance can only be made by petitioners who suffer special damages, i.e. those who are adversely affected in a way different from the community at large.

We thank all those who agreed to join our lawsuit: Assemblymen Steve Sanders and Richard Gottfried, Congresswoman Carolyn Maloney, Roosevelt Island Residents' Association (RIRA), Sutton Area Community (SAC), The Soho Alliance, The Tribeca Association, Manhattan East Community Association (MECA), the Turtle Bay Association, and Moreen Ivice.

With the closing of the West 30th Street heliport mid 2001, it is anticipated that corporate flights from West 30th Street will be redistributed to East 34th Street increasing the helicopter traffic, safety threats and noise and air pollution at the East 34th Street facility. **HNC remains committed to closing this heliport, located 250 feet from residences and a rehabilitation center and hospital!**

11. Impact update. Tour, media and corporate helicopters continue to plague residents city-wide. Current complaints include news helicopters disturbing residents near the George Washington Bridge and in the East and West Village beginning at 5:30 am, a new flight path over West 102nd Street from early morning until late afternoon, and helicopters again overflying Stuyvesant Town on Manhattan's east side. Also, a helicopter is often sighted in midtown Manhattan over Grand Central Station or West 50th Street for hours. Anyone doubting helicopter impacts is invited to walk the Manhattan waterfront from Battery Park up the Hudson River Park to the World Financial Center and above. Helicopter noise in this area is nonstop and loud, ruining this beautiful urban park and disturbing nearby residents. We were recently contacted regarding community helicopter problems in Wilmington, Delaware.

12. Helicopter Media Campaign. We are alarmed at the recent media blitz on helicopters, making them seem as American as apple pie. Note, for example: the three references to helicopters on the recent Oscars TV broadcast; the April 17, 2000 Newsweek article "Short and Sweet" promoting heli-hiker tours with the requisite helicopter photo; two articles with helicopter photos in the NY Times Sunday 23, 2000 "Week in Review"; countless newspaper references to officials arriving by helicopter; movies like "Clear and Present Danger" where a helicopter aids the hero; cable TV programs on the history of helicopters; newspaper "puff pieces" on private helicopters, etc. These media-ops rarely, if ever mention negative helicopter community impacts or community protest. We must redouble our efforts to educate the public about the social costs of proliferating helicopter traffic and to obtain meaningful government regulation.

13. Other Developments.

* We understand that the FAA Airspace Redesign Project is proceeding by designing new aircraft routes for the Eastern Region without attention to community noise impacts, to be considered after the fact.

* No news on the city's appeal of the adverse tour seaplane ruling.

* Airships Unlimited seeks to moor three blimps at the Old Flushing Airport, one to be used exclusively for sightseeing over the city, with the attendant noise impact.

14. Fund Drive. Hearty thanks to all who have contributed to our 2000 fund drive, including a special thank you to Robert W. Wilson for his major gift. **We ask those who have not yet responded to complete the form below and mail it with their contribution** (check payable to Helicopter Noise Coalition of NYC and mailed to me at the above address) so we may continue our important work.

We thank all who are supporting our efforts to diminish helicopter threats to New Yorkers' health and safety.

Sincerely,

Joy A. Held

Joy A. Held

President

212-628-3126 Tel/FAX

Helicopter Noise Coalition of NYC 2000 Fund Drive and Mailing List Update

Enclosed is my contribution of \$1000 _____, \$500 _____, \$100 _____, \$50 _____,

\$25 _____, Other _____

(Checks payable to the Helicopter Noise Coalition of NYC and mailed to Joy A. Held, President, 414 East 65th Street, Apt 6J, New York, NY 10021-7144.)

____ Please keep my name on your mailing list.

____ I would like to help.

Please Print

Name _____

Address _____

City, State, Zip _____

Tel# _____ (day) _____ (evening)

FAX# _____ (day) _____ (evening)

e-mail _____

Thank you for your support

7
(over)

H N C P S

60204

Joy A. Held
414 East 65th St., Apt. 6J
New York, New York
10021-7144

QUIETER SKIES ON THE HORIZON FOR NEW YORKERS

REP. MALONEY'S MEASURE TO TARGET HELICOPTER NOISE PASSES IN THE HOUSE

NEXT STEP FOR BILL IS SIGNATURE BY PRESIDENT

WASHINGTON, D.C. - Today, tucked in the many pages of the successful Aviation Investment and Reform spending bill (H.R. 1000), language authored by Congresswoman Carolyn B. Maloney (D-NY) to address public complaints regarding helicopter noise, traffic, and safety issues, passed in the US House of Representatives. The Aviation spending bill passed 318-102.

Maloney's language urges the Secretary of Transportation to conduct a study "on the effects of nonmilitary helicopter noise on individuals in densely populated areas" in the U.S. and to "develop recommendations for the reduction of the effects of nonmilitary helicopter noise." The language is part of the Aviation spending bill, which has now passed in final form in the U.S. House and U.S. Senate, and will be signed into law by the President within ten days.

Maloney said of today's victory, "New Yorkers are bombarded by noise every day. Hundreds of thousands of helicopters fly over the city each year. We can no longer afford this helicopter flight free-for-all. Helicopter noise has increased 23% over Manhattan since 1991. Today's legislative win will protect New Yorkers' quality of life, and health."

New York City's heliports currently report more than 150,000 takeoffs and landings each year. More than half of those flights originate at the 30th Street heliport, slated to close in mid 2001, and the displaced traffic is expected to move to heliports in lower Manhattan. Also, a significant number of helicopter flights originate outside New York City and remain uncounted. Maloney stated, "We need to move beyond anecdotal evidence and start to develop statistics that reflect the true volume of helicopter traffic and the degree of noise that New Yorkers live with on a daily basis."

14th District • New York

Congresswoman

Carolyn Maloney

Reports

8.
Sample Helicopter
Task Force
Meeting
Agenda



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

C. VIRGINIA FIELDS
BOROUGH PRESIDENT

MEETING ANNOUNCEMENT

Manhattan Helicopter Task Force

Friday, June 2, 2000
9:00 A.M.

Office of the Manhattan Borough President
One Centre Street – 19th Floor South
Large Conference Room



Agenda

- Introductions
- New Business
 - City-wide Helicopter Oversight Committee meeting
 - Increased helicopter traffic over West Side
 - Increased flyovers of Central Park
 - Police helicopter activity
 - Electronic News Gathering Guidelines
- Old Business
- Adjourn

For more information contact:

Robert R. Kulikowski, Ph.D.
Telephone: (212) 669-8164
Fax: (212) 669-3840
Email: rrk1mbpo@aol.com

HNC P.10

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C Sample
HNC Testimony

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HELICOPTER NOISE COALITION **OF** NEW YORK CITY

Testimony to City Council Transportation and Environmental Protection Committee Hearing — May 6, 1998

I am Joy Held, President of the Helicopter Noise Coalition of NYC, a city-wide coalition of individuals and community groups totaling over 18,000 people.

Helicopters have a stranglehold on New York City. Flying any place, any time, in any numbers and frequency, at any height (under 2000 feet), and hovering at will, helicopters afflict New Yorkers with unbearable noise, air pollution, and threats to health, safety, property values and national security.

We maintain:

- * **Helicopters are not essential to NYC life.** Every function helicopters perform here except emergency services can be accomplished in ways less damaging to the public and the environment.
- * **In any comprehensive cost-benefit analysis of helicopter usage here, the costs to the general public far outweigh the benefit to helicopter owners and users.**
- * **People find the low frequency, slapping helicopter noise signature (causing objects to vibrate) even more disturbing than airplane noise.**
- * **No one wants to live under or near helicopter flight paths or near heliports.** Protest develops wherever helicopters fly in any great numbers because people cannot tolerate the noise. Heliports do not belong in our densely populated, residential city; certainly not 200 feet from residences and hospitals.
- * **With people living everywhere, all New York City is a noise sensitive area.**
- * **Changing helicopter routes only moves the problem to new neighborhoods.**
- * **Helicopters on the rivers are not away from residential neighborhoods** (people live on the East River as well as on the banks of the Hudson and East Rivers, and the noise travels at least 1/2 mile inland and is amplified by water).
- * **Media practice of photographing sunsets or skylines from helicopters is not a protected first amendment right.**

We seek a helicopter no-fly zone (excepting emergency vehicles) for NYC's five boroughs and waterways. Toward that goal we ask the City Council to:

1. **Revise the NYC Noise Code to incorporate noise limits for helicopter take-off, landing, idling and hovering.**

HNC P 11

- 1
2. Oppose the establishment of any new heliports or helicopter facilities in NYC, including the proposed facilities at Pier 72 or 76 in Manhattan and at the Brooklyn Navy Yard.
 3. Review the special permit for the East 34th Street heliport in light of the recent federal appeal decision upholding only 4 of the 7 required restrictions.
 4. Urge the **Mayor** to close heliports on city property (East 34th Street and Downtown Manhattan Heliports) and to discourage sightseeing -- corporate -- commercial and media helicopter usage.
 5. Urge the **state** to close the heliport on state property at West 30th Street and to exercise its helicopter oversight mandate.
 6. Urge the **FAA** to:
 - * conduct noise contour studies for NYC heliports and communities affected by overflights city-wide.
 - * regulate helicopter noise impact on communities
 - * count helicopter overflights in NYC airspace
 - * eliminate unregulated airspace in NYC
 - * calculate aircraft noise according to single event noise levels rather than averages.
 - * mandate helicopter identifying markings visible from the ground.
 - * provide communities with information, access and advocacy equal to that afforded the helicopter industry.
 7. Urge **Congress** to establish a no-fly non-emergency helicopter zone for NYC and to pass the Helicopter Noise Control and Safety Act (H.R. 2957).
 8. Urge **media** to:
 - * pool coverage
 - * avoid hovering
 - * phase out helicopter usage
 9. Urge **emergency helicopters** to minimize noise impact on communities.

Helicopter noise destroys the quality of life for countless New Yorkers. There is no escape, and everyone is at risk as the city becomes one giant heliport. Americans from Alaska, Hawaii and California to Pennsylvania, Niagara Falls, Washington DC and Maryland join our protest against helicopter despoilment. We ask you to help us regain control of our skies and our lives.

Thank you.

HNC p 12

JERROLD NADLER
8TH DISTRICT, NEW YORK

REPLY TO

WASHINGTON OFFICE
2444 RAYBURN BUILDING
WASHINGTON, DC 20515

D.
Selected
City Council
Hearing
Testimony

Congress of the United States
House of Representatives
Washington, DC 20515

JUDICIARY COMMITTEE
SUBCOMMITTEES
CRIMINAL JUSTICE
COMMERCIAL AND BANK
ADMINISTRATIVE LAW
UNITED STATES
TRANSPORTATION AND
INFRASTRUCTURE COMMITTEE
SUBCOMMITTEE
HAZARDOUS
SURFACE TRANSPORTATION
REGIONAL WHITE

Testimony of Congressman Jerrold Nadler
Before the Joint Environmental Protection and Transportation Committees
of the New York City Council
May 6, 1998

I am glad to have this opportunity to speak before this joint hearing of the City Council Committees on Environmental Protection and Transportation. As many of you know, I have been very concerned with the increasing problem of helicopters and the intrusive noise they produce in our city. I have heard from residents of my district from the Upper West Side to Clinton to Greenwich Village to Tribeca whose lives have been negatively impacted by the steady noise of helicopters. I am also concerned about the increase in number of noisy airplanes flying through this area.

I convened a meeting with high-level officials of the Federal Aviation Administration in which elected officials, community boards, and members of the Helicopter Noise Coalition participated. It became apparent that the FAA did not have the power to effectively regulate helicopter operations. I have therefore co-sponsored H.R. 2957, the Helicopter Noise Control and Safety Act, which is currently before the House subcommittee on Aviation. This legislation would give the FAA the authority to create and implement plans that would reduce the risks to public health and welfare from helicopter operations. Passage of this bill would ensure that the public would have a mechanism by which to seek relief from the habitual helicopter racket that adds to the noise in our busy city. I am currently pushing for hearings on this bill before the Aviation Subcommittee of the House Transportation and Infrastructure Committee.

Until that bill becomes law, however, we must be particularly mindful of the siting of any future heliports. Helicopter noise detracts from the quiet enjoyment of New York's open spaces and parks. It is more important that city residents enjoy the beauty of our city and the Hudson River from the ground than that tourists have a panoramic view from the air. As the City proceeds with the Helicopter Master Plan, it must be cognizant of and responsive to the many concerns of the neighborhoods near the Hudson River, which would be most seriously affected by a new heliport on the Hudson. Any new heliport will only increase the desirability of helicopter use in New York City and will lead to more problems, more noise, and more danger for New Yorkers.

Another important bill which I am cosponsoring that has been introduced into the Congress is HR 536, the Quiet Communities Act of 1997 and its companion in the Senate, S 951.

If enacted, it would reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency, which was defunded in 1982. This office was responsible for coordinating federal noise abatement activities and providing technical assistance to local communities, among other duties. The legislation would be instrumental in empowering the federal government to enforce noise regulations and in researching, developing and educating public and private agencies on the impacts of noise pollution.

While noise pollution is invisible, the problems and people it affects are not. More than 20 million Americans have experienced hearing loss due to noise. A host of health problems are directly related to the daily noise that permeates the air. High blood pressure, stress, reduced quality of life, sleep disruption, and in schoolchildren, poor performance and learning difficulties, are just a few examples of the deleterious impact of noise. The problem of airplane noise may be getting some attention in an upcoming study. The FAA is beginning to assemble a team to reconfigure take-off and landing patterns at JFK, LaGuardia, and Newark Airports. I will certainly stay abreast of its actions and plans and pass along local concerns on this important topic.

HNC P.14

Congresswoman Carolyn Maloney

**Testimony for the New York City Council
Transportation and Environmental Committees Hearing
May 6, 1998 at 1:00 pm**

First, I want to thank the Transportation and Environmental Committees for holding this hearing to highlight the problems associated with heliports and helicopters.

A record numbers of tourists are visiting New York. Film companies increasingly look to New York for sites. News broadcast outlets are forced into fierce competition with one another. With all this, the number of helicopters filling the sky over our City increases. I have received a significant and continuous number of telephone calls and letters from constituents complaining about helicopters buzzing overhead.

There is little to no accountability for these flights. Courts have held the City cannot regulate except in limited, mostly proprietary matters, and the FAA whose jurisdiction these flights do fall under, refuses to further restrict air traffic. And yet, surprisingly, on top of all this, plans are being made for additional heliports and even for a helicopter repair facility to be located in Brooklyn.

I am opposed to increases in unregulated flights in and around our City and likewise, I am opposed to the addition of helicopter facilities of any kind. I, with Congressmen Nadler and Towns, have introduced a bill into Congress titled "The Helicopter Noise Control and Safety Act." This bill would empower and require the FAA to enact restrictions on helicopter traffic over cities with populations greater than 500,000 people. I have received support for this bill from all over the City and from other areas and I urge support of it by the New York City Council and the Transportation and Environmental Committees meeting here today. Thank you.

HNC P15

STATEMENT BY: ASSEMBLYWOMAN ELIZABETH A. CONNELLY

RE: AIRCRAFT NOISE

DATE & TIME: MAY 6TH, 1998 @ 1pm

PLACE: CITY HALL, NEW YORK CITY

THE ISSUE OF INCESSANT NOISE GENERATED BY AIRCRAFT - WHETHER IT COMES FROM COMMERCIAL JET LINES, THE NEW ABUNDANCE OF LOW FLYING HELICOPTERS, OR INCREASING NUMBERS OF BLIMPS - HAS ONLY TRADITIONALLY AFFECTED CERTAIN NEIGHBORHOODS AND COMMUNITIES - USUALLY THOSE LYING IN THE PATHS OF THREE OF THE NATION'S BUSIEST AIRPORTS.

FOR YEARS, IF NOT DECADES, STATEN ISLAND, WHICH IS GEOGRAPHICALLY LOCATED IN THE ARRIVAL AND DEPARTURE PATH OF NEWARK INTERNATIONAL'S BUSIEST RUNWAYS, HAS HAD TO ENDURE THE CONSTANT ASSAULT OF AIRCRAFT NOISE CROSSING ITS RESIDENTIAL NEIGHBORHOODS. FEW, IF ANY OF THOSE WITH SOME KIND OF AUTHORITY, RUSHED TO CHAMPION THE CAUSE OF THOSE COMMUNITIES UNDER CONSTANT ASSAULT BY AIRCRAFT NOISE.

NOW, HOWEVER, THE NOISE GENERATED BY A PROLIFERATION OF HELICOPTER TRAFFIC OVER THE METROPOLITAN REGION, IS REACHING

EARS THAT WERE PREVIOUSLY IMMUNE TO NOISE FROM ABOVE – AND NO VERY FAR ABOVE AT THAT.

IN A RECENT LETTER TO FEDERAL AVIATION ADMINISTRATION CHIEF JANE GARVEY, I NOTED HER ANNOUNCEMENT THAT A NATIONWIDE EFFORT TO REDRAW COMMERCIAL AIR ROUTES WILL BEGIN AT NEWARK INTERNATIONAL AIRPORT AND ITS COMPANION NEW YORK BASED AIRPORTS, WHICH ARE AMONG THE BUSIEST FACILITIES IN THE NATION.

I TOOK THE OCCASION OF MY LETTER TO SAY, “I TAKE PARTICULAR NOTE OF THE ATTENTION GIVEN TO AIRCRAFT NOISE, WHICH I AGREE SHOULD BECOME A FOCUS OF THE NEWLY CREATED AIR ROUTE MAP, ALTHOUGH MY AGREEMENT SHOULD NOT BE CONFUSED WITH AN ENDORSEMENT OF THE ATTENTION THAT NEW JERSEY LAWMAKERS AND ACTIVISTS WOULD PREFER. THROUGHOUT THOSE YEARS, NEW JERSEY’S INTERESTS – WHICH NOT COINCIDENTALLY BENEFIT GREATLY FROM THE ECONOMIC IMPACT OF NEWARK AIRPORT – HAVE FOUGHT TO HAVE THE ASSOCIATED AIRCRAFT NOISE DIVERTED AWAY FROM THEIR COMMUNITIES, AND INTO OUR BEDROOMS, SCHOOLS, CHURCHES, AND SENIOR CITIZEN CENTERS.”

CURRENTLY, A TEST OF A REVISED AIRCRAFT DEPARTURE ROUTE FROM NEWARK INTERNATIONAL IS IN PLACE, WHICH THE FAA BELIEVES WILL REDUCE NOISE AND IMPROVE OPERATIONS.

HNC P 17

AIRCRAFT NOISE SHOULD BE A FOCUS OF THE FAA'S STUDIES, BECAUSE THE IMPACT AFFECTS FAR GREATER NUMBERS OF PEOPLE THAN THOSE WHO EXPERIENCE UNFORTUNATE DELAYS IN AIR TRAVEL. AIRCRAFT NOISE, AS I CAN TELL YOU FROM FIRST-HAND EXPERIENCE, IS CONSTANT UPHEAVAL, CONTINUOUS ASSAULT FROM WHICH THERE IS NO ESCAPE AND NO ALTERNATIVE.

AND, I ALSO GRASPED THE OCCASION TO TELL MS. GARVEY THAT I "STRONGLY SUGGEST THAT THE FAA STUDY SHOULD BE EXPANDED TO INCLUDE HELICOPTER TRAFFIC IN THE BUSY AIRSPACE SPANNING NEW YORK CITY. HELICOPTER TRAFFIC HAS BEEN LOOSELY REGULATED IN THE PAST. HOWEVER, IN RECENT YEARS HELICOPTER USE HAS BECOME AN INCREASINGLY POPULAR MODE OF TRAVEL ACROSS THE CONGESTED NEW YORK METROPOLITAN REGION, AND THE NOISE FROM THESE AIRCRAFT INCREASINGLY POLLUTE EVEN THE QUIETEST NEIGHBORHOODS. MY WINDOWS RATTLE AND MY CAR ALARM HAS BEEN SET OFF. A WEST BRIGHTON RESIDENT STATED SHE AND HER FAMILY FEEL LIKE "WE'RE IN AN EPISODE OF *M.A.S.H.*!" WE HAVE ALSO RECEIVED COMPLAINTS FROM A RESIDENT ON LIGHTHOUSE HILL, RESIDENTS OF PORT RICHMOND, WESTERLEIGH, NEW SPRINGVILLE, WILLOWBROOK, MARINERS HARBOR, AND MANY OTHER AREAS OF STATEN ISLAND. I HAVE BEEN IN CONTACT WITH THE FAA REGIONAL ADMINISTRATOR'S OFFICE ON SEVERAL

HNC P 18

OCCASIONS REGARDING THIS EMERGING PROBLEM, AND THERE HAS BEEN NO POSITIVE RESPONSE. A SPECIAL MEETING WAS HELD IN MY STATEN ISLAND OFFICE LAST YEAR WITH THE FAA. A SUGGESTION WAS MADE TO RAISE THE 500 FOOT CEILING OVER STATEN ISLAND TO 800 FEET IN ORDER TO LESSEN THE NOISE OVER THE ISLAND. IN FACT, A VOLUNTARY CALL BY THE EASTERN REGIONAL HELICOPTER COUNCIL HAS RESULTED IN EVEN GREATER NOISE, AS HELICOPTERS TAKE ADVANTAGE OF THE LOWEST ALTITUDE RESTRICTIONS IN THE AREA AS THEY CROSS STATEN ISLAND."

I CAN CONCEDE THAT UNTIL SEVERAL YEARS AGO, HELICOPTER TRAVEL WAS RELATIVELY LIGHT. TODAY, HOWEVER, IT IS A POPULAR MODE OF TRAVEL, AND SAFETY AND NOISE REGULATIONS SHOULD REFLECT THAT DRAMATIC CHANGE.

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HNC p 19



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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64th Assembly District

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**Statement by Assembly Richard N. Gottfried
Regarding the Environmental and Safety Hazards of
Helicopters and Heliports in New York City
Before the Committees on Environmental Protection and Transportation
of the New York City Council
Wednesday, May 6, 1998**

I am Assembly Member Richard N. Gottfried. I represent the 64th Assembly District which includes Chelsea, Clinton, Midtown, parts of the Upper West Side, and Murray Hill. I regret that the legislative session in Albany prevents me from being at this hearing personally. I am grateful that the New York City Council is conducting this hearing to address the helicopter and heliport issues in our community.

According to the Helicopter Noise Coalition's comments to the Manhattan Helicopter Task Force on December 2, 1997, New York City's zoning requirements for heliports are frequently violated, resulting in the inappropriate siting of heliports. Further, violations of the New York City noise code from heliports are ignored.

Residents in this community are outraged by the unregulated helicopter noise and air pollution that has significantly compromised the quality of life in our community. Residents routinely suffer from helicopter-induced stress-related illnesses, sleep deprivation, speech interference, and the inability to concentrate and work. Further, there are serious safety concerns regarding the helicopter flights over our neighborhoods.

There are plans to enlarge the West 30th Street Heliport, and a proposal to develop a heliport on Pier 76. This would create more air traffic in an area that is already burdened by flights over our waterways. It is utterly out of keeping with the future Hudson River Waterfront Park. Also, this would further damage the utilization of the planned Hudson River Park and quality of life for residents of the West Side of Manhattan because of the noise and air pollution.

As heliports are closed or reduced on the East Side, there is pressure to develop a much more substantial heliport along the Hudson. This cannot be tolerated.

I urge the New York City Council to oppose all heliport expansions and new heliports, pending revisions to the noise, zoning and air pollution codes to regulate helicopters and heliports, with effective enforcement mandates.

Thank you.

HNC p. 20



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news from assemblymember **SCOTT M. STRINGER**

67th ASSEMBLY DISTRICT

Date:

May 5, 1998

ASSEMBLYMEMBER SCOTT STRINGER'S TESTIMONY BEFORE THE NYC COUNCIL RE: HELICOPTERS & HELIPORTS

Good evening. I am here today to present testimony regarding helicopter flights over New York City and the potential for heliports on the Hudson River waterfront.

First, I would like to note that I recently testified before the New York City Council in support of the United State Senate's Quiet Communities Act of 1997. This Act would empower the federal Environmental Protection Agency (EPA) to re-open the Office of Noise Abatement in New York City.

Over the past several years, helicopter over-flights of New York City have increased tremendously, causing the quality of life to deteriorate for many City residents. Efforts to modify flight patterns to alleviate noise pollution were not effective, since the problem was simply pushed from one community to another. The only way to effectively regulate, control, and eventually decrease noise and air pollution from helicopter flights is to have one federal agency take responsibility for coordinating this effort. At this time the Federal Aviation Administration (FAA) does not regulate flight patterns or noise levels from helicopter traffic. The FAA should take responsibility or delegate authority to the City of New York to help alleviate this serious problem.

Second, I am opposed to heliports on the Hudson River within the boundaries of the Hudson River Waterfront Park. I recently announced my support for legislation introduced by Assemblymember Dick Gottfried and Senator Franz Leichter to create a waterfront park on the Hudson River. This bill specifically prohibits heliports within the boundaries of the Hudson River Waterfront Park. A heliport within a public park is not only entirely inappropriate, but also dangerous. The State should act immediately to ban any heliports in the Hudson River Park.

It is high time that the federal government and New York City and State recognize that New York City is in a unique situation – a densely populated City already besieged by congestion and air and noise pollution. The problem of helicopter air and noise pollution must be addressed in a comprehensive manner by one coordinating agency.

While I commend the efforts of the New York City Economic Development Corporation, which has begun a Heliport Master Plan for the City of New York, the scope of work for this plan fails to adequately address the issue of over-flights. Neither the FAA nor any other federal, city or state agency regulates helicopter over-flights, so there is no way to calculate the scope of the problem. This must be the first step toward developing a comprehensive plan for the City of New York.

HNC P 21



ALEXANDER B. PETE GRANNIS
65th Assembly District
New York County

CHAIRMAN
Committee on Insurance

THE ASSEMBLY
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Statement of Assemblymember Pete Grannis
New York City Council Transportation and Environmental Committees
Helicopter Oversight Hearing
May 6, 1998

Thank you for giving me the opportunity to testify at today's public hearing. I represent the 65th Assembly District, which includes the Upper East Side of Manhattan and Roosevelt Island.

The efforts of local community organizers, together with community forums such as the Manhattan Borough President's Helicopter Task Force (which I have participated in) and continuous press coverage have resulted in a heightened awareness of the disruptive effects of heliports and helicopter traffic in the City of New York. I applaud the City Council for taking the time to hold a hearing on this important matter.

The tremendous growth in helicopter traffic in New York City, particularly in and over Manhattan, over the last several years, has benefited the City in the form of increased revenues. The helicopter industry in our city currently serves a variety of users, ranging from tourist operators to corporate travelers and parcel delivery services.

However, this boom has also resulted in a growing number of complaints about the noise generated by helicopter flights that, in turn, have resulted in increased concerns regarding the possible risks to public safety posed by the use of landing facilities and helicopter "overflights" of our highly-congested communities.

As a state legislator, one of the aspects of this issue I have focused on is the matter of the landings and takeoffs from facilities that lack the proper city permits. As I am sure you know, both the East 60th Street and East 34th heliports operated for years without these valid permits. This is due, in no small measure, to the fact that proper permitting would have required extensive environmental review and public hearings. Despite city officials' knowledge of the absence of these required permits, flights continued to land and take-off from these facilities. I have introduced legislation that would make it a violation for a helicopter to land at a heliport (except in the case of an emergency or official government business) without a valid zoning permit. Under my bill, in addition to the violation, fines of \$10,000 could be imposed upon the owner of any aircraft that is found to have violated the law.

Since the use of airspace is under federal jurisdiction, attempts by the City to regulate the helicopter industry have only been partly successful. But the City can and, thankfully, has acted to limit the use of some the facilities it owns. Indeed, the closure of the East 60th Heliport and the City's restrictions which the U.S. Court of Appeals has upheld regarding the East 34th Street

HNC p22



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Heliport have led to a reduction in flights originating from the East Side. However, the high number of "overflights" originating from heliports both in and outside of the City continue to raise concerns about noise pollution and the possible risks to public safety. The two helicopter crashes that occurred over the past year on the both the Hudson and East Rivers (one of which resulted in a fatality) have heightened this concern.

In recent years, community opposition has forced federal regulators to focus attention on the impact of fixed-wing aircraft on local neighborhoods. Now is the time for a similar focus to be brought to helicopter traffic as well. In order to facilitate this effort, I urge the City Council to support the Helicopter Noise Control and Safety Act. This federal legislation, sponsored by Congressmembers Maloney, Nadler and Towns, directs the Federal Aviation Administration to study possible risks to the public health and welfare posed by helicopter operations in towns of over 500,000 and, where necessary, develop a plan to reduce those risks. Hopefully, your support for this legislation will force the FAA to monitor this issue more closely and, ultimately, result in the improvement of the quality of life for New Yorkers.

HNC p 23



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**TESTIMONY OF ASSEMBLYMAN STEVEN SANDERS - MAY 6, 1998
BEFORE THE CITY COUNCIL'S COMMITTEE ON TRANSPORTATION
AND COMMITTEE ON ENVIRONMENTAL PROTECTION**

THANK YOU FOR GIVING ME THE OPPORTUNITY TO SPEAK TO YOU ON THIS
ISSUE, WHICH IS OF GREAT IMPORTANCE TO MY COMMUNITY.

THE GIULIANI ADMINISTRATION DESERVES CONGRATULATIONS FOR
PERSEVERING AND WINNING ITS FEDERAL APPEAL TO REINSTITUTE
MEANINGFUL REGULATION OF HELIPORTS. HOWEVER, INSOFAR AS THE 34TH
STREET HELIPORT IS CONCERNED MY POSITION IS SIMPLE: THE 34TH STREET
HELIPORT SHOULD BE CLOSED. THE HELIPORT IS AND HAS BEEN A MAJOR
PUBLIC NUISANCE TO MY CONSTITUENTS AND SHOULD NEVER HAVE BEEN
LOCATED IN SUCH A DENSELY POPULATED RESIDENTIAL AREA--INDEED NOT
IN ANY RESIDENTIAL AREA.

IT IS REALLY QUITE IRONIC THAT THIS ADMINISTRATION CONTINUALLY
INSISTS THAT WE MUST HAVE A HELIPORT OPERATING AT 34TH STREET.
AFTER ALL, THIS ADMINISTRATION HAS WORKED HARD WITH MUCH SUCCESS
ON MANY QUALITY-OF-LIFE ISSUES. I CANNOT THINK OF A GREATER
DISTURBANCE TO THE QUALITY OF LIFE IN MY COMMUNITY THAN THIS

HNC p 24

HELIPORT. PEOPLE'S QUALITY OF LIFE SHOULD NOT BE SACRIFICED ON THE ALTAR OF THE ALMIGHTY DOLLAR. A HELIPORT CAN AND SHOULD BE MAINTAINED, BUT AT A FAR MORE SUITABLE, NON-RESIDENTIAL SITE. HELIPORTS BELONG IN COMMERCIAL- OR INDUSTRIALLY-ZONED AREAS WHERE NOISE IS EXPECTED, RATHER THAN IN A PRIMARILY RESIDENTIAL COMMUNITY, NOT TO MENTION ONE OF SUCH DENSITY.

IN ADDITION, THE HELIPORT IS LOCATED VIRTUALLY IN THE BACK YARD OF THE NYU MEDICAL CENTER. THE PATIENTS NEED A QUIET AND RESTFUL ENVIRONMENT IN ORDER FOR THEM TO RECOVER. IT IS A FACT THAT THE OPERATION OF A HELIPORT, WITH THE HEAVY VOLUME OF TAKE-OFFS AND LANDINGS, HAS BEEN A MAJOR DISTURBANCE TO NYU PATIENTS.

THOUGH THE FOCUS OF THIS HEARING IS ON NOISE, I WOULD BE REMISS IF I DIDN'T MENTION THAT MY COMMUNITY IS ALSO VERY CONCERNED--AND RIGHTFULLY SO--ABOUT AIR POLLUTION AND THE THREAT TO PUBLIC SAFETY POSED BY THE HELIPORT'S LOCATION AND OPERATIONS.

THE HELICOPTERS EMIT LARGE AMOUNTS OF POLLUTANTS WHICH NOT ONLY POISON THE AIR BREATHED BY RESIDENTS BUT ALSO NECESSITATE FREQUENT CHANGING OF THE MANY AIR FILTERS IN THE AIR CONDITIONING/VENTILATION SYSTEMS AT THE HOSPITAL. ALSO, PATIENTS, DOCTORS AND VISITORS COMING AND GOING TO THE HOSPITAL SHOULD NOT BE SUBJECTED TO ADDITIONAL AIR POLLUTION.

HNC p25

I HAVE ALREADY MENTIONED THE PROXIMITY OF THE NYU MEDICAL CENTER. THE HELIPORT IS ALSO IN CLOSE PROXIMITY TO SEVERAL TREMENDOUS APARTMENT BUILDINGS AND IS A MERE 100 FEET AWAY FROM THE FDR DRIVE. *100 FEET!* CLEARLY, THIS IS A TRAGEDY WAITING TO HAPPEN. A STRONG GUST OF WIND, PILOT ERROR OR EVEN A MINOR MECHANICAL MALFUNCTION COULD SEND A HELICOPTER INTO THE HOSPITAL, THE WALL OF ONE OF THE APARTMENT HOUSES OR ONTO MOVING TRAFFIC ON THE FDR--WITH THE VERY REAL POTENTIAL THAT SCORES OF PEOPLE COULD BE KILLED.

I ASK THE ADMINISTRATION TO AVERT TRAGEDY AND RELIEVE MY CONSTITUENTS OF THE REGULAR NUISANCE AND REAL AND TERRIFYING DANGERS POSED BY THE HELIPORT'S CONTINUED OPERATION.

A RATIONAL CITY HELICOPTER POLICY--AS OPPOSED TO ONE SEEMINGLY ON AUTO-PILOT--WOULD DICTATE THAT THIS HELIPORT BE SHUT.

THANK YOU VERY MUCH.

HNC p 26



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
OF THE
BOROUGH OF MANHATTAN

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C. VIRGINIA FIELDS
BOROUGH PRESIDENT

COMMENTS BY MANHATTAN BOROUGH PRESIDENT C. VIRGINIA FIELDS
REGARDING HELICOPTER NOISE

Public Hearing before the
City Council Transportation and Environmental Protection Committees

May 6, 1998

Good afternoon. My name is Judy McClain and I am here to present comments on behalf of Manhattan Borough President C. Virginia Fields regarding helicopter noise.

Helicopter noise has been a persistent problem for Manhattan residents for many years. While this problem used to be primarily limited to those living near heliports, it has grown to the point where over-flights constitute a major problem for thousands of residents. Media helicopters have grown significantly in number, often hovering over residential neighborhoods for hours at a time. For some events in Central Park, residents have been subjected to noise from several helicopters at once.

The impact of this noise can be devastating. Residents, especially those that stay at home during the day, complain about health problems that have resulted from the horrendous noise. Many times I have been told that the benefits of living in New York City cannot compensate for the noise created by helicopters that fly overhead. For some, the noise from helicopters has literally chased them out of town.

To address this important quality of life problem, Borough President Fields is continuing the Manhattan Helicopter Task Force. The Task Force is comprised of community members, elected officials, government agencies, and representatives of the helicopter industry. The Task Force has played an important role in pressuring the City and the helicopter industry to reduce the noise and improve the safety of helicopter operations.

As a result of the Task Force and the Helicopter Noise Coalition, there has been a reduction in the number of air tours and the closure of the East 60th Heliport. In addition, the Economic Development Corporation has stated that the City no longer wants air tours flying out of its heliports -- a very significant policy shift from a few years ago. However,

(HNC p 27 - over -

more work needs to be done, especially given the amount of air traffic in the vicinity of the Hudson River and the significant growth in film and media helicopters. Under the leadership of Borough President Fields, the Task Force will continue to work to reduce helicopter noise and improve helicopter safety.

Clearly, this industry needs to be regulated, so that it does not continue to degrade the quality of life for New Yorkers. The Federal Aviation Administration (FAA) is responsible for regulating helicopter over-flights; however, as we have seen, the FAA is not doing its job. That is why, the Borough President supports the Helicopter Noise Control and Safety Act, introduced by Congressional members Carolyn Maloney, Jerrold Nadler and Edolphus Towns. This Act will grant the FAA the authority to determine if helicopters pose a risk to the City's public health and welfare and to develop a plan to reduce that risk.

Borough President Fields is very pleased that the City Council Transportation and Environmental Protection Committees are focusing on helicopter noise and thanks you for this opportunity to speak on this important issue.

HNC p 28



**Testimony of the Natural Resources Defense Council
for the New York City Council Transportation and Environment Committee's
Helicopter Oversight Hearing, May 6, 1998**

My name is Carolyn Cunningham. I am a consultant to NRDC's airport project. The Natural Resources Defense Council is a national, non-profit environmental organization with 350,000 members and contributors nationwide that works to protect the world's natural resources and improve the quality of the human environment.

For six years NRDC's airport project has been involved in all aspects of airport environmental policy at the local and federal level. In 1996, NRDC released *Flying Off Course: Environmental Impacts of America's Airports*, which studied the noise, air, energy and water impacts at America's 50 busiest airports. In 1997, we released *Under the Flight Path: Community Response to Aircraft Noise at Westchester County Airport and an Assessment of FAA Noise Measurement Policy*, which documented several years of community noise impacts at Westchester County Airport and the inability of FAA's noise policies to provide appropriate noise mitigation to Westchester residents.

We are currently in the process of researching a third report that will focus on helicopters – their noise and other environmental impacts. Since we are in the midst of preparing this report, today I will only flag several helicopter issues that we believe should receive your attention or action at this time. But we want to begin by commending the Committees for holding this hearing.

New York City has been increasingly impacted by thousands of helicopter operations and overflights until helicopter noise is now large part of the City's overall aircraft noise problem. We support and urge your careful consideration of the eloquent testimony of Joy Held of the Helicopter Noise Coalition expressing coalition members' pleas for the Council to take further action, consistent with federal preemption, to bring relief to the thousands of City residents that currently suffer from excessive helicopter noise. Closing the 60th Street Heliport and restricting traffic at the 34th Street Heliport were big steps in the right direction.

First, NRDC would remind you that aircraft noise is a health issue, as well as a quality of life issue. A number of U.S. studies have found links between noise and sleep disruption, speech interference, hypertension and cardiovascular and gastro-intestinal problems. European studies looking at aircraft noise and public health found, for example, in 1995, that children chronically exposed to noise from Munich Airport had poorer long-term

HNC p. 29

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memory recall, reading comprehension and overall tolerance levels than did children in a comparable urban environment unaffected by aircraft noise.ⁱ

Aircraft noise has also been shown to have an impact on the learning ability of children, primarily due to the constant interruptions that disrupt class lectures and quiet learning time. A 1982 study of students living near Kennedy and LaGuardia Airports concluded that reading levels among students increased the farther away from the airport the school was located, after controlling for racial, socioeconomic and other factors.ⁱⁱ Studies that we will discuss in our helicopter report point up the particular annoyance and impact of helicopter noise due to its characteristic, impulsive noise signature and capacity to cause vibrations.

Second, the City, under its zoning powers, has substantial control over its heliports, including whether or not to close currently existing ones or to add new ones. NRDC believes that the proposal to establish a heliport in the new Hudson River Park at Pier 76 is absolutely wrong-headed and should be rejected by the Council. Heliports and parks should not have to live with one another. We urge the Council to prohibit the construction of any new heliport in the park and specifically to prohibit the use of Pier 76 for that purpose. One of the ways that the City can restrict helicopter noise impacts, without running into federal preemption problems is by closing heliports, not opening new ones.

Third, we believe the Council should use the City's not inconsiderable local zoning powers to do everything possible, again, within the limits of federal preemption, to reduce noise levels for its residents that clearly exceed City noise standards. This would apply to limiting, for example, the number of sight-seeing helicopters using City heliports, by using the kinds of non-discriminatory restrictions to reduce noise recently upheld in the Second Circuit's decision on the 34th Street Heliport.

Lastly, the City should urge FAA to help reduce helicopter impacts by reducing the number of overflights above the City as part of its current reevaluation of air traffic patterns in the New York City region; to implement a minimum altitude for helicopter flights for noise abatement and to require effective operational noise abatement procedures by operators rather than merely suggesting them.

When we complete our research and our report we will be glad to share it with you and to work with you in helping to solve the significant environmental problem – helicopter noise.

Thank you for the opportunity to testify today.

ⁱ Evans, G. et al, "Chronic Noise and Psychological Stress," *Psychological Science*, Vol. 6, No. 6, November 1995.

ⁱⁱ Green, K., et al, "Effects of Aircraft Noise on Reading Ability of School-Age Children," *Archives of Environmental Health*, Jan./Feb. 1982, Vol. 37, No. 1.

WEEHAWKEN ENVIRONMENT COMMITTEE

Established 1970

Wednesday, May 6, 1998

Transportation and Environmental Committees
New York City Council

I am a trustee of the Weehawken Environment Committee and represent this group. For those of you who are not familiar with our town, we are the gateway to your city, providing access to tens of thousands of vehicles every day via the Lincoln Tunnel. Weehawken lies along the Hudson River, extending between your 23rd and 57th Streets. However what is unique about us is that we are about 160 feet above sea level. As a result the impact of the helicopter traffic is amplified because of this difference in elevation. Helicopters that are 500 feet above the river find themselves only 340 feet above Weehawken. This coupled with the fact that there seems to be no regard for the sensibilities of the residents on the part of the operators of these aircraft makes the noise doubly invasive of our well-being.

It is our opinion that the use of helicopters for shuttle service to our airports is an unacceptable substitute for a rail link. In the airports of Paris and London one can walk from the baggage claim area to a railroad and arrive in the center city within one half hour. (My wife and I have done this at Paris, boarding the train with our bicycles.)

Sightseeing around Manhattan can be done at a more leisurely pace on the Circle Line. Helicopter rides are for thrill seekers not tourists. To satisfy this need, we suggest you set up a bungee jumping site on the Brooklyn bridge, where sightseeing can be combined with thrill seeking without taxing the environment or annoying the citizens.

We join with the Helicopter Noise Coalition of NYC in support of their petition to ban all but emergency use of helicopters from the urban sky.

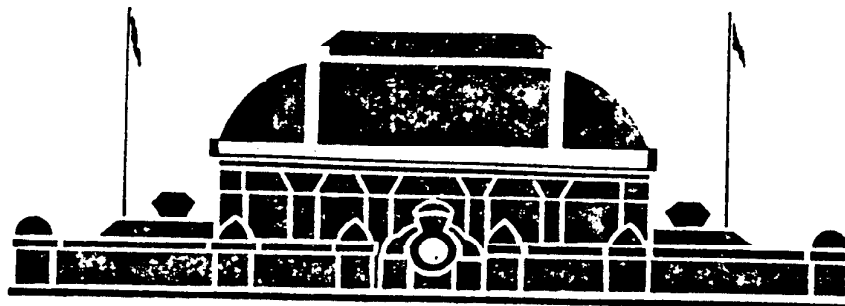
Respectfully submitted,

James T. Dette

James T. Dette
Trustee,

HNC p. 31

Weehawken Environment Committee P.O. Box 3027, Weehawken, NJ 07087



Long Island City Interblock Association, Inc.

TESTIMONY AT THE HELICOPTER OVERSIGHT HEARING HELD BY THE CITY COUNCIL TRANSPORTATION AND ENVIRONMENTAL COMMITTEES AT CITY HALL ON MAY 16, 1998.

My name is Jeanne Molli. I am the President of the Long Island City Interblock Association.

Noise is New Yorkers' number one complaint. Helicopters can drive you crazy!

We get all kinds and at all hours, even at three in the morning when they are very scary -- sound like wartime.

Television copters hover over us in Long Island City to report on bridge and tunnel traffic. Corporate and/or commuter copters fly over us to and from the airports and the Hamptons. They fly by us to Westchester and Connecticut along the East River. Water amplifies sound, and the racket carries throughout our community.

The worst offenders have been the tourist helicopters operating as many as 200 flights a day along the East River. For now, the tourist plague has moved to the Hudson. We do not want it back and adamantly oppose future use of the 34th St. heliport by tourist helicopters.

But just changing routes is not a solution. It simply shifts the problem from one community to another. We support the Helicopter Noise Coalition of NYC in its effort to curtail non-emergency helicopter flights borough-wide.

HNC p. 32

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**Testimony Before
The Council of New York
Committees on Transportation and Environment
May 6, 1998**

Re: Helicopter Oversight Hearing

Good morning Mr. Chairman and Council Members. My name is Nancy Nadler. I am the Director of the Noise Center at the League for the Hard of Hearing. I would like to thank the Chairs and Members and Staff of the Committees on Transportation and Environment of the New York City Council for holding this important hearing and for inviting the League for the Hard of Hearing to testify on the matter.

Noise is a serious environmental and health hazard that affects millions of Americans everyday. William H. Steward, former United States Surgeon General, stated, "Calling noise a nuisance is like calling smog an inconvenience. Noise must be considered a hazard to health of people everywhere."

Exposure to noise is one of the leading causes of hearing loss in the 28 million people with impaired hearing in the United States. The effects of noise are all too well understood by our children. In fact, children in New York clearly understand the impact noise has on their ability to sleep, study and concentrate. Consider these statements made by New York City students in an essay contest on noise in 1996, which was sponsored by the League for the Hard of Hearing, in conjunction with District 21 and the Council on the Environment of New York City.

From an eighth grade student:

"Action should be taken toward decreasing noise pollution before our sense of hearing is put to an end... permanently."

Another eighth grade student states:

"My last suggestion is to appeal to our government, which has passed many laws in the past regarding pollution and preserving the environment. It is possible that if people are persistent and demand to have something done about this problem, there will be some new laws to regulate this disturbing kind of noise pollution."

HNC p. 33

Other indications that children understand the harmful effects of noise on health is evidenced in this calendar (show calendar) which depicts winning entries to the League for the Hard of Hearing's National Anti-Noise Poster Contest. Of the 19 winning posters used in this calendar, eleven point to aircraft and helicopter noise as a major contribution to the environmental noise pollution we have asked our children to endure on a day to day basis. Our children know that aircraft and helicopter noise affects them and studies have been done to support this. A 1997 Cornell University study by Gary Evans and Lorraine Maxwell found that children affected by aircraft noise have more difficulty learning to read. Another study by Chen et al. in Taiwan examined the auditory effects of aircraft noise on people living near an airport. They confirmed that damage was done to the cochlear organs in individuals exposed frequently to aircraft noise. Several additional studies have found aircraft noise to be associated with disturbances in sleep, changes in digestion, increased hypertension in children and a variety of health-related problems. Further, the incidence of hearing loss is occurring at younger and younger ages, with the students as young as third grade reporting ringing in their ears (a warning sign of noise-induced hearing loss).

Last week, on International Noise Awareness Day, I stood outside in Howard Beach with a sound level meter and measured the decibel level as planes flew overhead. Though members of the community described this a relatively quiet day, planes were measured at 105 decibels every few minutes - a level considered by OSHA to be unsafe and unacceptable in the workplace. Other New Yorkers are bombarded by the continuous noise of helicopters overhead which interferes with health, quality of life and most alarming, children's learning. We must provide the same level of safety and concern for our homes and communities as we do for the workplace.

I urge you to take action and listen to the words and pictures of our children who are asking for peace and quiet in our communities. As one fifth grade student put it, "Help stop it. Be part of the solution to noise pollution." Not only do New Yorkers have the right to peace and quiet, their health depends on it.

1-1-10 C p 34

Testimony to City Council Transportation
and Environmental Protection Committees Hearing, May 6, 1998

Joyce Gulden
31 Boyne Rd.
Locust, NJ 07760

To Whom It May Concern:

As an appointee of the New Jersey Noise Control Council and The ^{Tri}-State Noise Mitigation Review Committee I am more than aware of the noise problems caused by helicopter traffic. Scores of complaints were lodged each month at New Jersey's Noise Control office by people affected by helicopter overflights.

It has been my personal experience that certain tour operators and committee services have been very cooperative in seeking a resolution to this problem. Others could care less. More than a few pilots have said that the industry needs regulation. New York, Connecticut and New Jersey should come up with sensible legislation that addresses the noise and safety concerns regarding the growing industry. Current expansion plans make new regulation a necessity.

Sincerely,

Joyce Gulden

HNC p. 35

E.
Sample
Community
Board
Resolutions

CAROLYN M. GREENBERG

Chairperson

DENISE WOODIN

District Manager



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 8

309 EAST 94 STREET

MAIN FLOOR

NEW YORK, N.Y. 10128

212-427-4840/41

FAX #

212-410-9738

April 21, 1997

Arlene B. Feldman, Regional Administrator
Federal Aviation Administration
Eastern Region
Fitzgerald Federal Building
John F. Kennedy International Airport
Jamaica, NY 11430

Dear Ms. Feldman:

At the April 16, 1997 Full Board meeting of Community Board 8M, the following resolution was adopted by a vote of 31 in favor; 2 opposed; and 1 abstention.

WHEREAS, there has been an apparent increase in helicopter over-flights in the Community Board 8 area, as well as throughout the city, which has negatively impacted on the quality of life of those living in the affected area; therefore,

BE IT RESOLVED, that in the matter of over-flights, Community Board 8 urges all involved parties (the Federal Aviation Administration, the Port Authority of New York and New Jersey, the state of New York Department of Transportation, New York City's Economic Development Corp., the Department of City Planning, and the City Council), to work together with the goal of restricting over-flights to emergency medical and other essential government services.

Please advise this office of any action taken regarding this matter.

Sincerely,

Carolyn M. Greenberg
Chairperson

M. Barry Schneider/Charles Warren
Co-Chairs, Transportation Committee

HWCP36

CITY OF NEW YORK COMMUNITY BOARD SIX MANHATTAN

330 East 26th Street, New York, NY 10010-1997 (212) 679-0907 Fax 683-3749
MAY 1997

RE: HELIPORT CLOSURES

WHEREAS, the continued operation of the 34th Street Heliport has been the cause of significant concern regarding public health and safety; and

WHEREAS, Community Board Six (Manhattan) believes the 34th Street Heliport represents a land use pattern incompatible with nearby high-rise residential buildings, hospital, and medical school uses; and

WHEREAS, the operation of the heliport creates unmitigatable air and noise pollution violations under current New York City environmental and standard regulations; and

WHEREAS, the existing East 34th Street Heliport is inconsistent with the CB6 resolution in support of the Manhattan Borough Waterfront Master Plan; now

THEREFORE, BE IT

RESOLVED, that Community Board Six (Manhattan) reaffirms its call for the immediate closure of the East 34th Street Heliport; and be it further

RESOLVED, that the Mayor of the City of New York close and/or relocate all heliports in close proximity to residential communities and public open space areas; and be it further

RESOLVED, that the appropriate agencies of the City of New York complete a full Heliport Master Plan study with significant community input prior to recommending any new heliport location; and be it further

RESOLVED, that in regards to flight pattern over any neighborhood in the City of New York, Community Board Six urges all involved parties (FAA, NYC agencies, Port Authority) work to restrict over-flights to emergency medical and other essential government services, and we commend the NYC Helicopter Task Force for their efforts in this regard; and be it further

RESOLVED, that the City of New York and FAA develop and enforce noise criteria to eliminate and fully mitigate noise impacts from helicopter flight paths over land and water within the City of New York; and be it further

RESOLVED, that Community Board Six again strongly recommends the elimination of tourist flights over any neighborhood within the City of New York.

PASSED: 37 IN FAVOR, 3 OPPOSED, 0 ABSTENTIONS AND 0 PRESENT BUT NOT ELIGIBLE TO VOTE.

HNC p37

NF.
News Articles
on
LawsuitsManhattan Borough President
RUTH MESSINGERImmediate release
January 6, 1997Contact: Lisa Daglian
212-669-8139**MANHATTAN BOROUGH PRESIDENT RUTH MESSINGER RIPS COURT'S
DECISION AGAINST HELIPORT RESTRICTIONS**

Calling it "a major blow to the city and its residents," Manhattan Borough President Ruth Messinger today ripped a Federal court decision to prohibit the city from enforcing Special Permit restrictions at the 34th Street heliport. She also noted that the voluntary agreement reached through her Helicopter Task Force among sightseeing helicopter operators, the Federal Aviation Administration (FAA), the Eastern Region Helicopter Council, the Port Authority, elected officials and community residents, which sets flight paths for sightseeing tours, remains in effect.

Messinger said, "This court decision is a major blow to this city and its residents. We have had a good deal of success with the voluntary flight path restrictions we reached through the Helicopter Task Force. The Special Permit restrictions would have gone a long way toward improving the situation even more.

"Now, following an appeal, the City should work with the FAA to develop restrictions that will protect the community from the effects of Heliport noise. If this fails, I would support the City's pursuing its only other option, which is to close the Heliport. Our Task Force will continue to work--with even broader goals, now--to help mitigate the effects of this ruling in whatever way we can."

On Friday, January 3, 1997, Judge Sonia Sotomayor rendered a decision in the lawsuit brought by National Helicopters against the City's right to establish and enforce Special Permit restrictions at the 34th Street Heliport. The restrictions were put into place at the urging of communities and elected officials in an attempt to address the tremendous noise problems associated with the Heliport's operations.

The Judge's decision permanently prohibits the City from enforcing almost all the restrictions, including: mandatory 47% reduction in operations; gradual elimination of weekend flights; prohibition of Sikorsky S-58T helicopters from engaging in sightseeing operations; sightseeing flight path restrictions; and the requirement that all craft operating out of the Heliport be marked for identification. Restrictions on hours of operation (8am-8pm Monday-Friday and 10am-6pm on weekends) were upheld.

HNC p38

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| Post-it® Fax Note | 7671 | Date | 1/10/97 | # of pages | 1 |
| To | 212-669-8139 | From | Judy McClellan | | |
| Co./Dept. | | Co. | J | | |
| Phone # | | Phone # | 669-2088 | | |
| Fax # | 724-7154 | Fax # | | | |

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New York Law Journal

New York Law Journal

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NEW YORK, TUESDAY, JANUARY 7, 1997

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Heliport Noise Rules Blocked

Federal Judge Finds Ordinance Arbitrary

BY DEBORAH PINES

A FEDERAL JUDGE yesterday blocked enforcement of most of the regulations adopted by the New York City Council last March to curb noise at an East Side heliport, finding that the rules, especially a proposed 47-percent cut in operations, were unreasonable and arbitrary.

Southern District Judge Sonia Sotomayor's opinion, in *National Helicopter Corp. of America v. The City of New York*, 96 Civ. 3574,



Judge Sotomayor

allows a night curfew on flights at the 34th Street Heliport. The facility reports handling an estimated 50,000 sightseeing, commuter and other flights annually at its waterfront site adjacent to the FDR Drive. The busiest of four heliports in New York City, it has prompted years of complaints about noise and odor from its neighbors.

The ruling, however, grants much of the injunctive relief sought by longtime heliport operator, the National Helicopter Corporation of America, by blocking a proposed phase out of weekend sightseeing flights as well as proposed restrictions on large aircraft and certain routes.



Though there is ample evidence of "too much noise at the heliport," insufficient justification for such severe restrictions as the 47-percent operations cutback, the judge held. PHOTOGRAPH BY RICK KOPSTEIN

Acknowledging that there is ample evidence of "too much noise at the heliport," Judge Sotomayor found, nonetheless, insufficient justification for such severe restrictions as the 47-percent operations cutback. "There is no evidence in the record that the 47 percent reduction ... is in any way calibrated to achieve any particular noise-based result," she wrote.

Spokesmen for National Helicopter and the City said their lawyers are reviewing the decision to determine their next step.

National Helicopter, which contin-

ues to run the heliport even though its city lease expired last month, filed suit in May 1996. It sought injunctive relief against enforcement of Resolution 1558, an ordinance which imposes numerous restrictions on the heliport.

The restrictions, which were approved after a city environmental impact study but stayed pending Judge Sotomayor's ruling, would curtail weekday operations to between 8 a.m. and 8 p.m. and cut overall heliport operations by a minimum of 47 per-

Continued on page 4, column 4

P.4 Col 4
cent. Among other restrictions, they would prohibit tourist flights from flying over Second Avenue, restrict north-south sightseeing flights to the East and Hudson Rivers, phase out weekend flights and bar large helicopters like the Sikorsky S-58T from the heliport.
After reviewing standing, waiver and preemption issues, Judge Sotomayor examined the reasonableness of the regulations and found them lacking.

Cut in Operations

She found the proposed night and morning hour curfew "represents a sensible compromise between National's interests in maintaining a viable business, and the interests of area residents in being free from noise and related annoyances."

But she found the other restrictions, particularly the proposed 47 percent cut in operations, unsupported by the environmental impact statement and other studies.

The report verifies "predictably enough" that less heliport activity will mean less heliport noise, Judge Sotomayor wrote. She added, "What the report does not do is evaluate the specific impact that a blanket 47-percent reduction in operations can be expected to have on noise levels during those hours of operation still permitted."

Donald W. Stever of Dewey Ballantine represented National Helicopter Corp. Deborah Rand, an Assistant Corporation Counsel, represented the City.

Page

Page 4

HNC
p39

N.Y. LAW JOURNAL 2/19/98

Limits on Noise At Heliport Are Sustained

Second Circuit Panel Reinstates Order to Cut Operations by Half

BY DEBORAH PINES

NEW YORK CITY may require the operator of an East Side heliport to abide by the toughest anti-noise restrictions it proposed two years ago, which include nighttime curfews, a phase-out of weekend traffic and a near-halving of operations, a federal appeals panel has ruled.

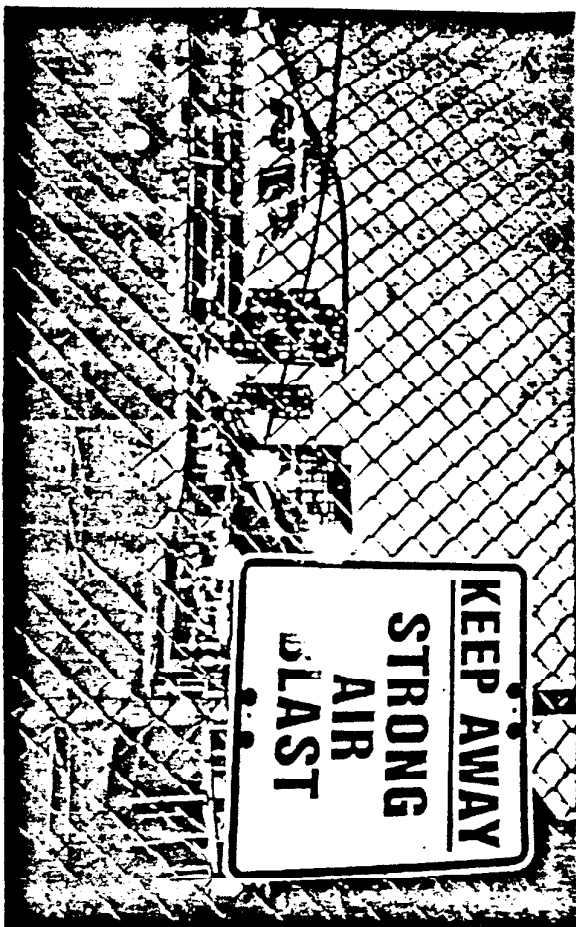
Partly reversing a lower court, a split opinion of the U.S. Court of Appeals for the Second Circuit on Tuesday found "reasonable" and "nonarbitrary" most of the conditions the City Council approved in 1996 for any new operator of the 34th Street Heliport, *National Helicopter Corp. of America v. City of New York*, 97-7082.

Two panelists, Second Circuit Judge Richard J. Cardamone and Chief Judge Ralph K. Winter, upheld four of

seven proposed conditions for the facility, adjacent to the FDR Drive, which reports 50,000 annual sightseeing, commuter and other flights. The facility has prompted years of complaints from neighbors about noise and odors.

Partly dissenting, Second Circuit Judge Jon O. Newman called "arbitrary" one of those four conditions, a 47 percent cut in operations.

All seven conditions in City Council Resolution 1558 were challenged by National Helicopter Corp. of America which had operated the 34th Street



PHOTOGRAPH BY BOB KURTZMAN

AIR TRAFFIC CONTROL: Operators of the 34th Street Heliport lost the latest round in a battle over noise and traffic conditions. A panel of judges has ruled in favor of tough restrictions proposed by the City Council.

HNC p40

Continued on page 2, column 3

New York Law Journal 1/7/97 cont.

Noise Restrictions on East Side Heliport Sustained

Continued from page 1, column 6

Heliport for more than 20 years before its eviction last August.

National Helicopter, claiming that the regulation of airports is a field preempted by federal law, attacked each condition of the resolution as arbitrary. The City Council had proposed that the conditions be included in a request for proposals seeking a new fixed-base operator for the heliport.

Last January, Southern District Judge Sonia Sotomayor ruled largely in National Helicopter's favor. She accepted as reasonable only two of the seven conditions: the proposed weekday hours of 8 a.m. to 8 p.m. and weekend hours of 10 a.m. to 6 p.m. (*NYLJ*, Jan. 7, 1997)

She enjoined five others: the proposed 47 percent cut in operations; a phase-out of weekend traffic; the barring of Sikorsky S-58Ts and other large helicopters; a required rerouting of sightseeing flights away from above Second Avenue, and a requirement that helicopters be marked for identification from the ground.

Judge Sotomayor found particularly arbitrary the proposal to cut operations by 47 percent. The figure was based on an environmental impact statement and other studies conducted on a proposal to run the heliport under conditions different from those ultimately agreed upon by the City Council, she wrote.

The Second Circuit majority ruling, written by Judge Cardamone, agreed with Judge Sotomayor's determination that the proposed curfews represented a reasonable exercise of the City's proprietary authority under a 1977 Second Circuit precedent, *British Airways v Port Authority of New York and New Jersey*, 558 F.2d 75. *British Airways*, while generally recognizing federal preemption of regulation of aircrafts and air space, found that municipalities as proprietors of local airports may regulate noise levels in a "reasonable, nonarbitrary and non-discriminatory manner."

The majority also agreed that the ban on large helicopters (which are not necessarily the noisiest), the proposed flight rerouting, and marking requirements exceeded the scope of

the City's authority.

Judge Cardamone reversed the lower court's conclusions, however, on the proposed phase-out of weekend operations and the 47 percent overall cut in operations.

He called it reasonable for the City to "protect area residents from significant noise intrusion during the weekend when most people are trying to rest and relax at home."

He also called it reasonable to nearly halve operations even though the 47 percent reduction figure was adopted when the City Council was considering different hours for the heliport than were ultimately adopted.

"Recognizing there was too much noise at the Heliport, the City determined that curtailing a significant portion of its operations would reduce noise levels," Judge Cardamone wrote. "It is unrealistic to insist that a proprietor justify by some scientific method a specific percentage reduction in operations in order to achieve the general result of a reduction of excessive noise."

In his partial dissent Judge Newman found the 47 percent figure arbitrary be-

cause it was based on rejected assumptions. Even if the City's aim, noise reduction, is valid, he compared the figure to one derived by throwing a dart at a dartboard or taking "the average of the ages of the decision-makers."

He agreed with the majority that "a scientific study is not required for a reasonable decision" but stressed that regulators must have a reasonable basis when exercising their judgment on the degree of noise reduction they choose to require.

Leonard Koerner, Appeals Chief for the City Corporation Counsel's Office, said the ruling is the first to acknowledge the City's right to regulate local airports and heliports to curb noise.

Ellen S. Ravitch, Stephen J. McGrath and Deborah Rand, Assistant Corporation Counsels, represented the City. Donald W. Stever and Janis M. Meyer of Dewey Ballantine as well as Clarke Bruno and Daniel Altman, represented National Helicopter Corp.

Steven A. Mirmina, Timothy M. Bidle and Lorraine B. Hallway of Crowell & Moring in Washington, D.C., filed an amicus brief on behalf of the Helicopter Association International.

The Metro Section

The New York Times

FRIDAY, FEBRUARY 20, 1996

B6

Court Lets City Restrict Flights at 34th St. Heliport

By DAVID W. CHEN

In a victory for residents who have long been irritated by helicopter noise, a Federal appellate court has allowed New York City to restrict the operations of its East 34th Street Heliport in Manhattan.

The decision Tuesday means that the city can phase out weekend flights and demand a reduction in the number of flights from the heliport. It also means that the heliport must scale back its hours, operating from 8 A.M. to 8 P.M. on weekdays and from 10 A.M. to 6 P.M. on weekends, instead of from 7 A.M. to 11 P.M. on all days.

In a way, the decision is moot, because the city's adversary in the lawsuit, National Helicopter, was evicted from the heliport in August for failing to pay the rent. The current tenant at the heliport, Johnson

Controls, runs a much lighter schedule than National, also known as Island Helicopter, did.

But the ruling by the United States Court of Appeals for the Second Circuit suggests that the city has the upper hand on noise, pollution and regulation for any of the three other major heliports.

"It sends a message that we do actually have the right to place reasonable restrictions on heliports," said City Councilman Andrew S. Eristoff, who represents the area near the heliport.

Lawyers for National Helicopter did not return calls last night. No one answered the phone at a location in Farmingdale, Long Island, that was believed to be the most recent site of National Helicopter's headquarters.

The decision was the latest installment of a long-running battle be-

tween the city and National Helicopter, which had operated flights out of the 34th Street Heliport since 1973.

Residents had complained more about the noise, and the frequency, of the helicopter flights. In 1995, there were 53,973 takeoffs and landings, 11.7 percent more than in 1994.

In 1995, the city applied for a new permit for the continued operation of the heliport, and it tried to reduce the number of takeoffs and landings to 28,000 a year, or 77 a day.

National Helicopter sued the city, saying that the limits might force it into bankruptcy. In January 1997, Federal District Judge Sonia Sotomayor ruled in favor of National, saying that the city had not provided sufficient evidence to justify such a high level of regulation and that the Federal Aviation Administration had the final word over air traffic.

HNC^{P.} 42



Copters

City Wins Right to Restrict
Helicopter Flights
Page 6

February 20-26, 1998

RESIDENT

SERVING GRAMERCY PARK, KIPS BAY, MURRAY HILL, TURTLE BAY, STUYVESANT TOWN, THE FLATIRON DISTRICT AND UNION SQUARE.

news

Matter of Time

Court Says City Can Regulate When, Not Where, Helicopters Can Fly; Appeal is Likely by Leo Jakobson

A federal court ruled Wednesday the city has the right to restrict flight operations at the heliports it owns.

The lawsuit, which pitted the city against the holders of fran-

was a mixed one, East Side Councilman Andrew Eristoff said he was "very pleased" with the ruling.

"The city can regulate most aspects of heliports," Eristoff said.

"The court said the city, as landlord, has the right to say when the heliports can be used."

Thus, he said, the city can restrict late night flights, phase out all flights on weekends, and order a 47 percent reduction in the number of weekday flights.

Eristoff said he was troubled by the court's ruling that the city cannot restrict the helicopters to flying over the rivers

instead of land. The court also refused the city the right to restrict certain types of helicopters, including a particularly noisy Sikorsky model, and to make the heliport owners paint large identifying numbers on the bottom of the whirlybirds.

There are currently heliports on

East 34th Street, West 30th Street, East 60th Street and near Wall Street. All are on city-owned land.

The case will likely be appealed, so no immediate impact is likely.

"People have no peace," said Joy Held, president of the New York City Helicopter Noise Coalition. "I think it makes sense for municipalities to have control of this issue because the FAA certainly isn't doing anything to relieve the problems."

The coalition, which pushed the city to impose the restrictions ordered by this week's ruling, focuses on noise from passing helicopters, as well as exhaust fumes and safety. Sightseeing helicopters, which fly over parts of the city as often as every few minutes, are far more troubling than commuter or news flights. "But a helicopter is a helicopter," Held said.

"It sounds like a step in the right direction for our community," agreed Pam Frederick, chair of Community Board 4, which gets a lot of complaints from residents about the noise from helicopters. "People on the [Hudson] River are most plagued by this."

A spokesman from Liberty Helicopter, which runs the West 34th Street heliport, did not return a call for comment at press time.



A federal court ruled this week to allow the city to restrict late-night helicopter flights, phase out weekend flights and halve the number of weekday flights. The city may not however restrict choppers to flying over the rivers instead of land.

chises to run heliports on city-owned land, was to determine if the city had the right to say when those flights could be made, and over what part of the city they could fly. Previously, only the Federal Aviation Administration could regulate helicopters.

While admitting the city's victory

NEWS

Anti-Helicopter Group Sues to Halt Chopper Flights

The Helicopter Noise Coalition of New York City announced on Tuesday that it will file a lawsuit to halt all non-emergency helicopter traffic in the city.

"We're suing to eliminate a nuisance that is long-standing and that people can't tolerate," said Joy Held, executive director of the coalition.

The lawsuit will claim that non-essential helicopter traffic is a "public nuisance and substantially interferes with people's property rights," said Jack Lester, the lawyer representing the coalition. Helicopters, he said, "have created a pervasive, chronic and unabated nuisance."

The group is suing the pro-

prietors, lessees and operators of the four heliports in the city - which includes the city of New York, the state of New York,

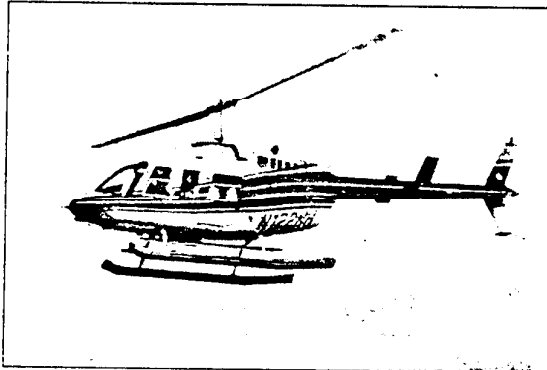
the Port Authority of New York and New Jersey, and an untold number of helicopter companies. The basis of the suit is the common law nuisance theory, said Lester. The state of New York recognizes that property owners have a right to stop substantial interference to their property, he said.

The lawsuit will be filed in the coming weeks, Lester said.

The city's announcement last week that it will close the East 60th Street Heliport and evict National Helicopter, a sightseeing helicopter company, from the East 34th Street Heliport did not convince the Helicopter Noise Coalition that the city was serious about halting chopper traffic.

The city has said that the action was the first in a series that will reduce chopper flights by 40 percent.

— Peter Duffy



How many choppers does it take to upset a neighborhood?

Convert Heliport to Rec Center

To the editor:

While the demise of the 60th Street Heliport is under consideration (see April 30 edition of the *Resident*), I suggest that New Yorkers support a plan to convert the plot into a little waterside park and turn the large unused Sanitation Department building on that plot into a community center offering amenities similar to those at Asphalt Green.

I suggest that the Sanitation building could contain gymnasiums, studios, a cafeteria and other popular amenities. The building already supports on its roof the recently installed pavilion deck for public recreation. There is a tree-lined, renovated playground at street level just below. As well as complementing these existing amenities in serving the surrounding community, the proposed community center could become a recreational station for people strolling, biking and skating up and down the East River esplanade.

The playground, the "pavilion," and the East River esplanade comprise amenities which already embrace the heliport plot. These existing amenities and the one that I propose could be artistically integrated to form a waterside area with an identity of its own, such as can be seen in the conversions of Manhattan piers which have been taking place.

New Yorkers who care about preserving open spaces and about finding recreational opportunities in the city, I urge you to consider how best to acquire and convert the heliport plot and sanitation building into an attractive complex for public use.

Mary Frances Dunham
East 86th Street

HNC p. 44

PLC
p 45

NEWS

Anti-Helicopter Group Sues to Halt Chopper Flights

The Helicopter Noise Coalition of New York City announced on Tuesday that it will file a lawsuit to halt all non-emergency helicopter traffic in the city.

"We're suing to eliminate a nuisance that is long-standing and that people can't tolerate," said Joy Held, executive director of the coalition.

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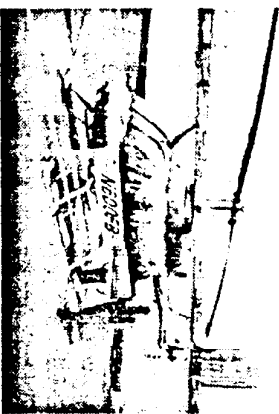
The group is suing the proprietors, lessees and operators of the four heliports in the city - which includes the city of New York, the state of New York, the Port Authority of New York and New Jersey, and an untold number of helicopter companies. The basis of the suit is the common law nuisance theory, said Lester. The state of New York recognizes that property owners have a right to stop substantial interference to their property, he said.

The class-action lawsuit will be filed in state Supreme Court in the coming weeks, Lester said. The group may also seek monetary damages.

"We want to get rid of all unessential helicopters," said Pary Namm Safran, a board member for the coalition. "That's the goal of the group."

The coalition supports news media and emergency helicopter flights.

The city's announcement last week that it will close the East 60th Street Heliport and evict National Helicopter, a signing helicopter company, from the East 34th Street Heliport did not convince the Helicopter Noise Coalition that the city was serious about halting chopper traffic.



"The day of reckoning is long overdue."

The city has said that the action was the first in a series that will reduce chopper flights by 40 percent.

Lester says the coalition wants to play a great role in the decisions regarding the helicopter flights. He noted how community input was not taken into consideration when the city decided to close 60th Street and evict National from the 34th Street. "[The mayor] must consult with the

community," Lester said.

National has fought its eviction from the 34th Street by filing for bankruptcy. The company is arguing that the eviction will prevent it from return to solvency. A spokesman for National couldn't be reached by presstime.

—Peter Duffy

Let's Talk Choppers

To the editor:

There are incorrect facts and misstatements in your article (The Helicopter Wars Heat Up, April 24 edition of the Resident). Obviously your reporter did not verify the statement made by Jim Fanyio, director of operations for Liberty Helicopters, in which he says, "We are not flying over anybody's residence."

I reside on West 86th Street (between Columbus and Amsterdam avenues) and dozens of Liberty Helicopters fly over my residence every day. Thousands of other residences are under this flyover zone. We have been bombarded with mind-numbing noise since December 1996 when the east-west route for helicopters was changed by Ruth Messinger's task force.

We hear helicopter noise 12 to 14 hours a day, seven days a week. This unrelenting, unremitting noise is affecting my family's health. We suffer from gastro-intestinal problems requiring medical care as well as stress-induced insomnia and nervousness. Our lives are totally disrupted by this noise which prevents us from reading, writing, painting, or enjoying any quiet relaxation in our home. Weekends are a particular night-

mare since there are so many tourist flights.

We are not extremists nor are we a special interest group. We are private citizens trying to go on with our lives. We have contacted our elected representatives to help us gain relief from this noise and have had little success. Messinger's public relations person stated to the press that the new routes would be modified if the noise impact was severe. The residents of the Upper West Side have requested that a more equitable flight path pattern be established over the West Side. This is not an "extremist" request. The task force and Messinger's assistants have ignored our pleas for relief.

The helicopter has heated up - and name calling by your reporter and his failure to talk to the afflicted residents of New York is a serious failure.

Lorraine Hellmell
West 86th Street

To the editor:

A correction for my letter to the editor ("Those Lovable Choppers," May 1 edition of the Resident): "Each rerouting (not reporting) of sighting helicopters has brought protest...."

Helicopter overflights constitute an unabated chronic nuisance. With our homes and businesses sounding like war zones and our parks sounding like JFK, it's time to ground this dangerous and intrusive industry. The day of reckoning is long overdue.

Joy Held
Executive Director
Helicopter Noise Coalition

NEWS BRIEFS

CHOPPER GROUP TO LAUNCH LAWSUIT

Because the city is keeping the 34th Street heliport open and moving ahead with the West Side mega-heliport, the Helicopter Noise Coalition (HNC), a group of neighborhood chopper foes, announced on Tuesday that it is launching a class-action "nuisance claim" against the city and helicopter operators in State Supreme Court. "This will be a comprehensive lawsuit against all parties involved in utilizing the heliports and helicopters," said HNC's attorney, Jack Lester. "We're talking about proprietors, operators, lessees. We're not making a distinction between business or tourist helicopters."

HNC p 46

SINCE
1972

THE WESTSIDER

Page 1

Chopper Foes Hire Lawyer, Pledge Lawsuit We'll See You In Court!

BY ALAMATEAU
Fed up with city's foot-dragging in reducing helicopter flights following a fatal crash in the East River at the 60th Street Heliport last month, the Helicopter Noise Coalition wants its day in court. Seeking to ban all but emer-

gency chopper flights over the city, coalition executive director Joy Held, said last week the group has retained Jack Lester, an attorney who represents community groups against City Hall and large developers in zoning and quality-of-life cases.

Lester said he plans to go to State Supreme Court at the end of



Attorney Jack Lester
Genevieve Hart

See **HELICOPTER**, Page 7

HELICOPTER

Continued from Page 1

the month for a moratorium on all helicopter overflights except for emergency services.

Referring to Mayor Rudolph Giuliani's promise to close the 60th Street Heliport, Lester said, "The question is, 'What's really happening?' I'm not aware of anything but the status quo."

Lester said that in addition to a flight moratorium, he would also seek community representation in discussions over the future of city helicopter flights.

chise to Johnson Controls, which now operates the 60th Street port.

National, however, filed a federal bankruptcy petition to forestall the eviction. Bankruptcies take precedence over most other civil court cases. A spokesperson for the mayor said the city intends to call for dismissal of the bankruptcy.

In any case, Held said closing the 60th Street Heliport is not nearly enough of a relief from the noise and peril of helicopter flights.

She noted that the city received six previous judgements against National, but has continued to allow the company to operate on 34th Street.

Closing the 60th Street Heliport is not nearly enough of a relief from the noise and peril of helicopter flights.

"It's high time that community representatives were brought into the room with the city and the helicopter operators to solve the problem. It should be a three-way conversation," he said last week.

After the April 15 crash of a BK-117 helicopter owned by Colgate Palmolive in which a company executive was killed, Giuliani said the city would close the 60th Street port, reducing flights over Manhattan by about 35 percent. The city has already moved to evict National Helicopter from the 34th Street heliport because of rent arrears and plans to offer that fran-

Last year there were 54,000 take-offs and landings from 34th Street and 23,000 from 60th Street. Another 77,000 take-offs and landings are divided between the Downtown Heliport on the East River, operated by the Port Authority, and from the state-owned 30th Street heliport on the Hudson River.

The city Economic Development Corp. has issued a request for proposals to develop a major helicopter port on Pier 76, the current municipal auto tow pound on the Hudson River at 35th Street. That project, however, is on hold pending completion of a master plan for helicopter operations in the city. ■

HNC P 47

Is there a lawyer in the house?

Concord Village sues to stop hi-rise federal court

By Richard Allyn
Brooklyn Paper Publications

With the demolition of the Emanuel Celler Building in Downtown Brooklyn underway, Concord Village residents have filed a lawsuit to halt work on building a new federal courthouse across the street from their home.

The lawsuit, originally filed in the Eastern District two weeks ago, charges that the government did not properly conduct the mandated environmental impact study for the 300-foot tower, which would replace the Celler building. The federal government issued its approval for the project last March.

"The entire process was flawed from beginning to end," said Michael Corter, president of the Concord Village Owners Association, which filed the suit.

"We believe all substantive decisions for the siting of this courthouse had been made since 1994, despite all the superficial aspects of going through the draft environmental impact statement (DEIS) and final environmental impact statement (FEIS) process," Corter added.

Hearings on the case began last week and will continue throughout this week. The suit has been transferred from the Eastern District, where the proposed courthouse is sited, to the Southern District in Manhattan — to avoid a potential conflict of interest.

The \$371 million project entails the renovation of the General Post Office building on Tillary Street; the demolition of the Celler Federal Building and construction of a 300-foot courthouse on the same site; and the modernization of the adjoining

U.S. courthouse.

Concord Village residents have asked for a court injunction to halt the project and to reconstruct the environmental impact statement process.

"The whole environmental impact process was not done by the law," charged Richard Salcer, a Concord Village resident and founder of Brooklyn Heights Area Residents Concerned (BHARC), formed in opposition to the federal courthouse proposal.

Salcer said that over 5,000 technical changes were made between the DEIS and FEIS. "The final EIS is virtually a new document, with so many changes that the draft EIS is worthless," he added. "In creating a new document, the government proves that they are just trying to justify the decisions they had already made."

Meanwhile, the demolition of the Celler Building, the first phase of the project, has begun.

"They're working like little beavers over there," Salcer said. "They are clearly trying to get as much done on the project before a judge hands down a decision."

BROOKLYN HEIGHTS PAPER 5/23/97

Heightsters join Manhattanites in helicopter protest

By Richard Allyn
Brooklyn Paper Publications

In their ongoing efforts to battle what they deem "intolerable levels" of helicopter traffic and the accompanying noise in their neighborhood, Brooklyn Heights residents are resorting to legal action.

Targeting the city, state, and all helicopter charter companies, the Noise Coalition of New York City plans to file a suit in state Supreme Court at the end of the month, according to Heights resident and Coalition member Edward Eilen.

The suit will be based upon a nuisance claim which charges that residents and businesses alike have been detrimentally affected by chopper noise, said Jack Lester, the attorney hired to represent the coalition.

"We are asking the court to issue an injunction against the pervasive, obnoxious and unabated nuisance of the helicopter noise," Lester added.

The city's lack of action on the helicopter issue prompted the legal action, according to coalition members. Recently, Mayor Giuliani announced he would close down the 60th Street heliport, displacing the National Helicopter Company and relocating Johnson Controls, another chopper company, to the 34th Street heliport.

"The mayor has indicated

he's taking certain steps to alleviate the helicopter problem," Eilen said. "But nothing has happened on these fronts — so now we're taking action."

"We don't feel comfortable at this point in the game that when the dust settles with the city's initiatives, that the number of copiers will be reduced or limited significantly," Eilen added.

The coalition, which has members from throughout New York City, believes their legal suit will give them an edge in dealing with both politicians and the helicopter companies themselves.

"This will be the first time the community has weighed in, in a meaningful way, in the court process," Lester said. "For the first time, members of the community will be at the table."

"We are concerned that we are not going to be involved in the solution, whatever form that

may take," noted Eilen, a Remsen Street resident. "We think this lawsuit will give us more leverage, so that we are heard and taken seriously."

Heights residents have charged that low-flying copiers not only increase noise and vibration levels, but that the long-term impact on the area's quality of life could drive residents away and decrease property values. Plans to site a helicopter repair facility on the Brooklyn Navy Yard, which are also under consideration, also have residents concerned.

Lester, working with the coalition, is currently gathering support for the case, including affidavits from residents and businesses affected by copier traffic, and an environmental study on helicopters conducted by New York University.

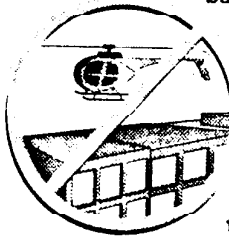
Meanwhile, Rep. Ed Towns, whose district includes Brooklyn Heights, is preparing to introduce legislation to control helicopter traffic.

"We believe the copier traffic has grown to intolerable levels, causing great emotional and physical stress for Brooklyn Heights residents," said Karen Johnson, Towns' chief-of-staff.

HNC p 48

STOP THE HELICOPTERS!

The Helicopter Noise Coalition of New York City has retained counsel and is preparing a lawsuit to ban non-emergency helicopters from the five boroughs of New York City and adjacent waterways, and to close the 60th Street and 34th Street Heliports. This will be a class action suit under Nuisance Law, to be brought in the New York State Supreme Court. The target date is the next few weeks. We need testimony from individuals adversely impacted by helicopter noise or pollution. Please call Jack Lester, Esq. at (212) 832-5357 to offer testimony, or for further information. Please act now, we need your help.



HWC p 49

DAILY NEWS

Friday, June 13, 1997

38

Foes sue to ground heliport

By SALVATORE ARENA

Daily News Staff Writer

A coalition of civic groups went to court yesterday to shut Manhattan's E. 34th St. heliport, charging that the city has allowed it to operate illegally for years.

The National Helicopter Corp., a Long Island-based carrier, ran the East River facility for two decades without a proper permit, according to the Helicopter Noise Coalition of New York City.

The Giuliani administration tried unsuccessfully to evict National last month for alleged failure to pay \$700,000 in back rent.

The company, which serves mostly tourists and corporate clients, blocked the eviction after filing for federal bankruptcy protection.

For years, East Side residents and businesses have complained about the noise and air pollution generated at the heliport, which opened in 1971. National Helicopter operates more than 50,000 flights annually.

"It constitutes a nuisance that people cannot live with," said Joy Held, president of the coalition, which filed the lawsuit in Manhattan Supreme Court.

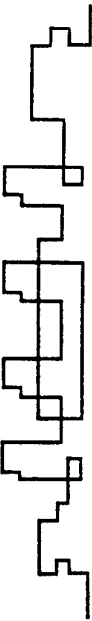
The construction of several high-rise luxury apartment buildings close to the heliport has made safety an issue, according to court papers.

City officials said the eviction was the first in a series of steps to eliminate tourist helicopter service over Manhattan and cut chopper flights by 40%. They intend to close a heliport at E. 60th St and turn the E. 34th St. facility over to a company that does not operate tourist flights.

But coalition lawyer Jack Lester said the group wants the E. 34th St heliport closed for good.

HWC p.50

Vol. 17, No. 8



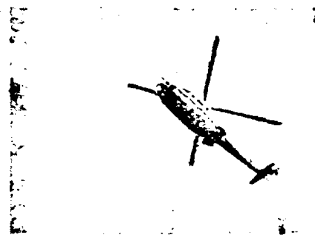
Saturday, June 14, 1997

The Main Street WIRE

Roosevelt Island's Community Newspaper

in association with Website NYC10044

The Main Street WIRE, Saturday, June 14, 1997 • 3



Chopper Noise Suit Is Planned

by Nancy Cruikshank

Helicopter noise is the target of class-action suits being filed by the Helicopter Noise Coalition, which acted Thursday against the 34th Street Heliport. The group seeks testimony of Roosevelt Island residents bothered by the noise as it prepares a separate suit against the 60th Street operation.

Helicopters continue to use 60th Street despite Mayor Rudolph Giuliani's May announcement that it is to be closed. Legal maneuvers have thwarted Giuliani's plan to oust the operator at 34th Street and move the 60th Street operator there. A spokesperson for the City's Economic Development Corporation affirms that 60th Street is still slated for shutdown. The HNC intends to pursue suits for both 34th and 60th, in any case. Islanders with testimony to offer can call HNC at 628-3126.

HNC p 51

RESIDENT

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10 EASTSIDE RESIDENT June 18 - June 24, 1997

Anti-Helicopter Group Goes after City

The Helicopter Noise Coalition of New York City filed suit last week in state Supreme Court to force the closure of the East 34th Street Heliport.

The lawsuit, which has been joined by Assemblyman Steve Sanders, was filed against the city (the heliport owner), the Economic Development Corporation (which administers the lease), and the National Helicopter Corp. (the current operator).

Joy Held, the coalition's president, says the heliport constitutes "an unabated nuisance."

"The mayor is getting praise for shutting East 60th Street [heliport], and he deserves it," said Sanders. "But the city has refused to obey its own zoning laws and has put the convenience of business flyers and related revenues to the city ahead of the interests of my community, while concurrently showing no regard for the terrible nuisance and disruption of people's lives from the East 34th Street heliport's air traffic and vast numbers of take-offs and landings."

— Peter Duffy

HNC p 52

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THE EASTSIDER

13

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Seeking Their Day in Court

Chopper Foes Sue City to Shut Heliports

BY AL AMATEAU

The Helicopter Noise Coalition, joined by two elected officials, went to court last week to close the city heliport on the East River at 34th Street.

The lawsuit filed June 11 in State Supreme Court in Manhattan charges that "constant noise and daily risk of a catastrophic crash has endangered lives" in the neighborhood where Bellevue Hospital and New York University Medical Center are located.

The coalition, with East Side Assemb. Steven Sanders and U.S. Rep. Carolyn Maloney, contends that the city has allowed National Helicopter Corp. to run the heliport

moves to stop all non-emergency helicopter flights over residential parts of the city.

A second lawsuit seeking to close the Downtown Manhattan Heliport on the East River at Coenties Slip, run by the Port Authority, and the West 30th Street Heliport on the Hudson River, leased to the operators by New York State, is next on the coalition agenda, said Held.

Moreover, if the city does not follow through with Mayor Rudolph Giuliani's stated intention to close the heliport at 60th Street on the East River, the coalition will sue to enforce that commitment, Held said.

The coalition's all-out legal attack on helicopter flights over the city is also aiming at a proposal for a major heliport on Pier 76 at West 35th St. being considered by the city's Economic Development Corp. (EDC). "We're ready and waiting to take action on Pier 76," said Held.

Out-of-Date Rules

The lawsuit states that the initial 1971 proposal for the 34th Street Heliport noted that the nearest residence was 800 feet away, while today the nearest residences are about 300 feet away. More than 50,000 flights per year, most of them sightseeing trips, now take off from East 34th Street.

The lawsuit notes that National Helicopter's permit to operate the 34th Street heliport expired March 17, 1976, and the company did not apply for a new one until seven years later on Jan. 11, 1983. But National did not file a required draft Environmental Impact Statement until June 8, 1987, and the final environmental study was not completed until Dec. 29, 1995, according to the lawsuit.

The action also notes that a city ordinance on helicopter flight rules was found by a federal court in January of this year to conflict with federal rules. The federal court, however, let stand city regulations limiting hours of operation.

The case, calling on the city and National to "immediately cease all operations at the East 34th Street Heliport," is set for a July 10 hearing. ☐



Joy Held, a founder and president of the Helicopter Noise Coalition, an activist group that went to court last week to close the city's East 34th Street Heliport. Held seeks to emulate her 1964 Radcliffe classmate, Marcy Benstock, director of New York Clean Air Campaign, who initiated the lawsuit that put an end to the federal Westway landfill project 11 years ago. "I admire her and I hope I have her staying power," said Held.

Jake Price

without the required permit, in violation of the zoning ordinance, for the past 20 years.

Joy Held, president of the coalition, said the suit, filed by the coalition's attorney, Jack Lester, is only the first of two legal

OUR TOWN

VOL. 27, NO. 25, JUNE 19, 1997

POLS JOIN HELIPORT LAWSUIT

Cong. Carolyn Maloney (D.-NY) and State Assemblyman Steve Sanders (D.-Man.) last week became plaintiffs in a class action suit brought against National Helicopter Corporation, operators of the 34th Street Heliport, the City of New York, and the New York City Economic Development Corporation.

The plaintiffs hope to force the closure of the heliport, which is near the FDR Drive and 34th Street.

The suit, initiated by the Helicopter Noise Coalition and its president, Joy Held, charges that the heliport has been operating illegally, and that its operations are both a danger and a nuisance to residents of the surrounding area.

Moreen Ivice, a local resident, is a co-plaintiff.

Commenting on his decision to sign on to the suit, Sanders stated, "Given the more than 50,000 flights a year from this foolishly and illegally situated heliport, the ongoing nuisance to the community is absolutely unbearable."

Maloney commented, "The city must, once and for all, take a look at the appropriateness of having helicopters flying over such a densely populated area ... Obviously, the city should re-evaluate its thinking on the heliport and do what's right for its residents."

— Scott Auerbach



A helicopter lands at the 34th Street heliport.

HWC
P 54

Town & Village

VOL. 50, NO. 27

NEW YORK, NEW YORK, JUNE 19, 1997

Suit: Heliport is illegal nuisance

By Geoffrey W. Williams

After months of debate and legal maneuvering over the fate of the 34th Street heliport, a band of residents, activists and state and local officials have sued the city, its Economic Development Corporation (EDC), and National Helicopter Corporation, the 26-year operator of the much-maligned helipad -- calling the heliport illegal and a nuisance, and

demanding its closure.

The class-action lawsuit -- lodged by five co-plaintiffs, including Congresswoman Carolyn Maloney, Assemblyman Steven Sanders and the Helicopter Noise Coalition (HNC) -- alleges that National has been flying unlawfully since 1976, when its initial five-year license expired.

The legal move came just one month after Mayor

Please turn to Page 9

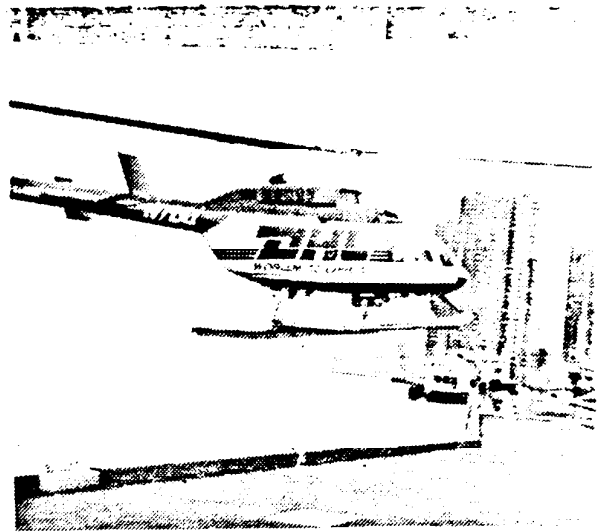


Photo by Todd M. S.

A lawsuit has been filed to shut the 34th Street heliport.

Cont.

HNC p55

Suit: Heliport is an illegal nuisance

Cont.

Continued from Page 1

Rudolph Giuliani's plan to evict National from 34th Street was blocked by an injunction in U.S. Bankruptcy Court. Giuliani had claimed the copter company owed millions of dollars in back taxes and rent.

According to Joy Held, president of the HNC and herself a co-plaintiff in the lawsuit scheduled to be heard before the State Supreme Court in early July, the heliport has long been a bane to East Side residents and businesses, and to the nearby NYU Medical Center.

"The 34th Street heliport has been a chronic, unabated nuisance for the past 20 years," she said from her 65th Street apartment on Tuesday, referring to noise and air pollution at the helipad that many say is dangerously close to the FDR Drive. "And it shouldn't exist at all. New York isn't even zoned for heliports."

Sanders called the suit he helped bring against the nation's busiest heliport inevitable.

"We are taking this legal

action because the city has left us with no choice," he said. "The city has really forced our hand."

Sanders has called for the closure of the 34th Street heliport -- which he dubbed "injurious to the public welfare" -- except for use in emergency police or fire situations.

An Environmental Impact Statement (EIS) seemed to support Held's claims that helicopter noise emanating from 34th Street was "above permissible levels" and "incapable of being abated."

The 1993 EIS study determined that the heliport was a "burden" on the East Side community, and that it gave rise to "intrusive noise levels."

Maloney called Manhattan's helicopter flights "shams," supporting her co-plaintiffs' claims that National is illegally operating at 34th Street.

"Not only has [National] been eroding the safety and quality of life of New York residents," she said, "but it has been doing so in clear violation of law."

Held, openly critical of the

city's handling of its four heliports and long an advocate for their closure, isn't hopeful about getting her day in court on July 10.

"The co-defendants can ask for one uncontested extension," she said. "So we're expecting it to be postponed."

But she isn't content to sit around and patiently wait while the wheels of justice slowly turn. Held says she's already contemplating more legal action.

"Our next move," she said, "is to sue the remaining heliports in the city, and get them closed. The city's not

going to do it. They've never pursued this issue vigorously."

Mayor Giuliani, who on one hand appears to support a crackdown on heliports, has admitted his master plan for the city would expand Manhattan's helicopter activity.

In April, Giuliani resolved to close the 60th Street heliport (following a fatal crash there), move its operator, Johnson Controls, to 34th Street (usurping National's control), and later open another "mega-heliport" at Pier 76 on the West Side.

Giuliani's plan, though, was slowed when the last-minute injunction by a bankruptcy judge blocked the move.

HNC p56

GREENSBORO NEWS

Since 1939

Seeking Their Day in Court

Chopper Foes Sue City to Shut Heliports

BY ALAMATEAU

The Helicopter Noise Coalition, joined by two elected officials, went to court last week to close the city heliport on the East River at 34th Street.

The lawsuit filed June 11 in State Supreme Court in Manhattan charges that "constant noise and daily risk of a catastrophic crash has endangered lives" in the neighborhood where Bellevue Hospital and New York University Medical Center are located.

The coalition, with East Side Assemb. Steven Sanders and U.S. Rep. Carolyn Maloney, contends that the city has allowed National Helicopter Corp. to run the heliport without the required permit, in violation of the zoning ordinance, for the past 20 years.

Joy Held, president of the coalition, said the suit, filed by the coalition's attorney, Jack Lester, is only the first of two legal moves to stop all non-emergency helicopter flights over residential parts of the city.

A second lawsuit seeking to close the Downtown Manhattan Heliport on the East River at Coenties Slip, run by the Port Authority, and the West 30th Street Heliport on the Hudson River, leased to the operators by New York State, is next on the coalition agenda, said Held.

Moreover, if the city does not follow through with Mayor Rudolph Giuliani's stated intention to close the heliport at 60th Street on the East River, the coalition will sue to enforce that commitment, Held said.

The coalition's all-out legal attack on helicopter flights over the city is also aiming at a proposal for a major heliport on Pier 76 at West 35th St. being considered by the city's Economic Development Corp. (EDC). "We're ready and waiting to take action on Pier 76," said Held.

Out-of-Date Rules

The lawsuit states that the initial 1971 proposal for the 34th Street Heliport noted that the nearest residence was 800 feet away, while today the nearest residences are about 300 feet away. More than 50,000 flights per year, most of them sightseeing trips, now take off from East 34th Street.

The lawsuit notes that National Helicopter's permit to operate the 34th Street heliport expired March 17, 1976, and the company did not apply for a new one until seven years later on Jan. 11, 1983. But National did not file a required draft Environmental Impact Statement until June 8, 1987, and the final environmental study was not completed until Dec. 29, 1995, according to the lawsuit.

The action also notes that a city ordinance on helicopter flight rules was found by a federal court in January of this year to conflict with federal rules. The federal court, however, let stand city regulations limiting hours of operation.

The case, calling on the city and National to "immediately cease all operations at the East 34th Street Heliport," is set for a July 10 hearing. ■

HNC p57

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7

news

Chopper Sitdown

Anti-Helicopter Group is Finally Getting the City to Respond to its Request for A Meeting by Peter Duffy

The Helicopter Noise Coalition is finally getting what it asked for months ago. The city has agreed to meet with the group to discuss community complaints regarding helicopter overflights.

Here's how Joy Held, the coalition's executive director, put it:

"It took five months, seven community board resolutions, countless meetings with our elected officials at all levels, meetings with the FAA, bills pending at the federal, state and city levels, outreach to hotels asking them to stop recommending sightseeing flights, a membership drive, outreach to community groups, fund raising efforts, 75 newspaper articles, a dozen TV appearances, one lawsuit, and one additional one that we are preparing now.

"We have been asking for [the city to meet with us] practically from day one."

But Held said the group was not yet "entertaining the possibility" of dropping its lawsuit, which has been joined by a number of community groups and public officials, including Rep. Carolyn Maloney and Assemblyman Steven Sanders. A July 10 court date has been adjourned until after the July 16 meeting between the coalition, the city Economic Development Corporation and the mayor's office. Charles Millard, the EDC's president, will participate in the discussion.

The lawsuit seeks the closure of the East 34th Street heliport — one of four heliports in Manhattan — because the coalition claims

the heliport violates noise levels set by the city's administrative code and because it is operating without a "special permit," which, under city zoning law, is required to establish guidelines for its operation, said Jack Lester, the coalition's attorney.

"The city is operating in violation of its own zoning laws," said Lester.

During the July 16 meeting, the coalition will be seeking two major actions from the city: the group wants coalition members to have a role in the decision-making process regarding helicopter policy and a reduction of the negative impacts — both noise and safety — of helicopter flights.

The coalition continues to seek a ban on all helicopter traffic, excluding emergency flights, in the city, said Lester.

In late April, Mayor Rudolph Giuliani announced that the city would evict National Helicopter, which offers sightseeing tours, from the 34th Street heliport, and that it would close the East 60th Street heliport, both city-owned properties. (The other two heliports, at Wall Street and West 30th Street, are owned by the Port Authority of NY/NJ and the State of New York respectively). The announcement, like most mayoral acts, came with much fanfare. But, in effect, nothing has happened.

National Helicopter is fighting the eviction proceedings in federal bankruptcy court and choppers continue to fly, with the same levels of frequency, out of both heliports. "Nothing has changed," said Held.

On top of everything else, the coalition continues to worry about the Pier 76 heliport at West 34th Street, which when built will replace the West 30th Street heliport. Held has characterized Pier 76 as a "mega-heliport" which will have a much larger capacity for helicopter flights than the other heliports. The EDC issued a request for proposals in January.

The EDC is busy preparing a helicopter policy "master plan" which will "review the current status of all heliports and project future heliport scenarios for New York City." The coalition is seeking a role in the development of the master plan, a matter which will be a topic of discussion during the July 16 meeting, said Lester.

The EDC has hired the consulting firm of Edwards and Kelcey to begin work on the master plan, said Jennifer Wasmer, an EDC assistant vice president.

"We will be scheduling public meetings over the next several months to get community input on this major study," said Wasmer.

An advisory committee, made up of members of the FAA and other groups, will be formed to play a role in the drafting of the plan, she said.

Held's group, which has more than 4,000 members, hopes the city recognizes its role in the formation of any policy.

"We are delighted that the mayor recognizes the seriousness of this issue," said Held of the July 16 meeting, who noted it is "the beginning of what we hope will be a fruitful collaboration."

HNC P58

July 9, 1997



Soho group joins copter fight

BY AL AMATEAU

The Soho Alliance and the Manhattan East Community Association, claiming a total of 1,400 members, have joined the Helicopter Noise Coalition's lawsuit against the city to close the 34th St. Heliport.

The legal action charges that the heliport on the East River is the source of "deafening noise" and potential accidents that deprive nearby residents and institutions like the New York University Medical Center of peace and safety.

The Soho Alliance and Manhattan East join Assemblymember Steven Sanders, Congressmember Carolyn Maloney, and the coalition as co-plaintiffs in the action against the city, its Economic Development Corp., and National Helicopter Corp. of America, operator of the heliport.

Sean Sweeney, president of the alliance, which claims 1,300 members, said that helicopters adversely affect all neighborhoods. He said he recently watched a helicopter hovering at rooftop height over

residential towers at La Guardia Pl. and Houston St.

"It was an invasion of privacy and it didn't look anything like an emergency helicopter," he said. Sweeney also said he was at a recent performance of Shakespeare in Central Park that was ruined by a helicopter hovering over the Delacorte Theater.

The Manhattan East Community Association, known by its acronym, MECA, is directly affected by the 34th St. Heliport

Continued on page 6

Continued from page 1

said its president, Fred Arcaro. MECA's 300 members live between Third Ave. and the East River from 34th to 42nd Sts.

The coalition, headed by Joy Held, seeks to ban all but emergency flights over the city. Mayor Rudolph Giuliani last month promised to close the city-owned 60th St. Heliport where a corporate helicopter crashed into the East River, killing a passenger.

The lawsuit, filed by Jack Lester, attorney for the coalition, also charges that the city is allowing National Helicopter to operate the 34th St. heliport without a required special permit. The coalition says that take-offs and landings at 34th St. increased from 20,638 annually in 1976 to about 52,000 this year, most of them sightseeing trips.

HWC p 59

Suit prompts city to meet with copter foes

By Geoffrey W. Williams

After five months of avoiding the most vocal opponents of its heliport master plan, the city finally agreed to meet this Wednesday with a group of community activists bent on closing every helipad in Manhattan.

The meeting, which was scheduled to occur as Town & Village went to press yesterday at 2 p.m. -- less than five weeks after the group filed a lawsuit against the city, demanding the closure of the 34th Street heliport -- marks the first face-to-face confrontation between Mayor Rudolph Guiliani and the Helicopter Noise Coalition (HNC).

HNC Executive Director Joy Held, who claims the only reason the city backed down and agreed to meet was because of the lawsuit, vowed that the encounter would not sway her group's determination to knock all noisy helicopters from New York's air space.

"We have no intention of dropping our lawsuit," Held said from her Upper East Side apartment on Tuesday. "It's not an option."

Burt Nushbacher, a senior

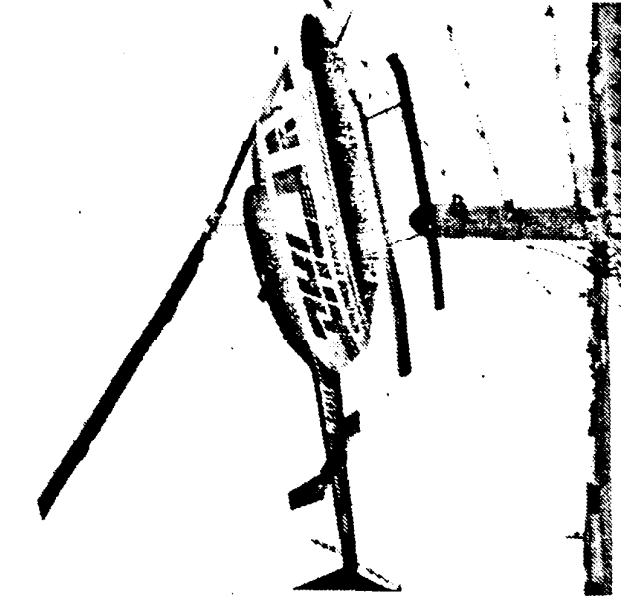


PHOTO BY TODD MANKEL

Anti-noise activists earned a meeting with the Mayor.

aid to Assemblyman Steve Sanders, concurred. "The lawsuit's not going to go away," he said. "It's still waiting out there, and, without it, there wouldn't have been this meeting."

The meeting, scheduled to be held at Deputy Mayor David Klessfeld's office and attended by Economic Development Corporation

the heliport illegal and a nuisance.

The city, the EDC and National Helicopter Corporation -- the 26-year operator of the much-maligned heliport -- were cited as codefendants in the lawsuit, which claimed the helipad has long been a bane to East Side residents, businesses and the nearby NYU Medical Center, and that National has been flying unlawfully since 1976, when its initial five-year "special permit" expired.

"The heliport never belonged there," said Nushbacher. "It's too close to residents, the community and the hospital."

All along, Held's plan of attack has been simple: to secure for the community a say in the city's master plan for its heliports and, eventually, to have all non-emergency flights over Manhattan banned.

"Right now, we're interested in getting involved in the development of the city's master plan," she said. "So far, the community, which is being impacted by this traffic, has not been consulted." Once the community is involved in that decision-

making process, Held figures, it will be easier to achieve future goals, like blocking the scheduled opening of a helicopter-repair facility at the Brooklyn Naval Yard.

As put forth by Mayor Guiliani months ago, his master plan calls for Manhattan's helicopter activity to increase.

In April, he announced his scheme to close the 50th Street heliport (following a fatal crash there), move its operator, Johnson Controls, to 34th Street, and later open another "mega-heliport" at Pier 76 on the West Side.

Guiliani's plan, though, hit a roadblock when National got an injunction in U.S. Bankruptcy Court, blocking Johnson's move to 34th Street. The city had claimed National owed millions of

dollars in back taxes and rent.

"We're seeking the continuation -- the elimination -- of the helicopter industry in the city," stressed Held, clearly perturbed by Guiliani's plan, "not its growth."

In an effort to stop that growth, Held and her co-plaintiffs, typically citing a 1993 Environmental Impact Statement (EIS) that determined that helicopter overflights were a "burden" and "incapable of being abated" in the city, decided to "throw a monkey wrench" in Guiliani's strategy.

"Things always seem to go along until someone decides to step in and stop them," Held said. "We're looking to the legal system for re-

HNC p 60

City to compromise on helicopter plan?

By Geoffrey W. Williams

After months of decrying the city's heliport master plan, a group of community activists that filed a class-action lawsuit against the city in June — demanding the closure of the 34th Street heliport, which they called "illegal" and "a nuisance" — finally got what it wanted last week: a meeting with the city.

Now that the vocal group has met with senior representatives of Mayor Rudolph Guiliani's staff, it's turned down the volume on its protests.

The meeting, held last Wednesday at the office of David Klessfeld, Guiliani's deputy mayor, marked the first face-to-face confrontation between city officials

and the Helicopter Noise Coalition (HNC). Assemblyman Steve Sanders and Congresswoman Carolyn Maloney.

HNC leader Joy Held, long an advocate of closing every heliport in the city, admitted that the meeting was merely the first in a series of intense negotiations between her coalition and the city, and that the hush-hush atmosphere surrounding it was not unusual.

"The negotiations are ongoing," she said Tuesday, "but the details are confidential. We're trying to work things out."

Prior to last week's meeting, Held had claimed that the only reason the city backed down and agreed to meet with her group was because of its lawsuit. She

vowed then that the encounter would not sway her group's determination, or convince them to drop their lawsuit.

The meeting was reportedly attended by Klessfeld, Economic Development Corporation (EDC) President Charles Millard, lawyers for the city, senior Guiliani staffers and members of the HNC and its supporters.

"We don't want to prejudice things at this point," Held said, referring to her coalition's abrupt silence. "We have to play the game the way it's supposed to be played."

Others involved were just as reticent.

"We are not prepared to comment at this time," said Bernadette O'Leary, a spokesperson for the EDC.

She would neither confirm nor deny whether EDC representatives attended the meeting.

Officials at Mayor Guiliani's office did not return phone calls regarding the meeting, and neither did attorneys for the HNC.

Burt Nushacher, a senior Sanders aide, did confirm that he attended the meeting. "It went well," he said.

"There will be later meetings, and at least we're all on the same page now. We'd all like to see closure."

HNC's lawsuit, which cites the city, the EDC and National Helicopter Corporation (the 26-year operator of the 34th Street heliport) as co-defendants, claims the heliport has long been a bane to East Side residents, businesses and the nearby NYU Medical Center. It also alleges that National Helicopter has been flying unlawfully since 1976, when its initial five-year "special permit" expired.

Guiliani's master plan calls for Manhattan's helicopter activity to increase. In April, he announced his scheme to close the 60th Street heliport

(following a fatal crash there), move its operator, Johnson Controls, to 34th Street, and later open another "mega-heliport" at Pier 76 on the West Side.

Guiliani's plan, though, hit a roadblock when National got an injunction in U.S. Bankruptcy Court, blocking Johnson's move to 34th Street. The city had claimed National owed millions of dollars in back taxes and rent.

Lisa Daglian, press secretary for Borough President Ruth Messinger, commended the group for their tenacity, and blasted the city for its poor record on the issue. "We've been holding

Helicopter Task Force meetings for the past year and a half," she said, referring to a group her boss, Ruth Messinger, started to help rid the city of the menacing helicopters. "And in that time the city has been less than willing to cooperate with us."

Daglian said the city sent no representatives to a meeting Messinger's task force held last Tuesday, a day before the HNC meeting.

"The Guiliani administration has been less than forthcoming," she said. "There's been no response from Mayor Guiliani. The message sent was received loud and clear: City Hall does not want to negotiate with us."

H/WG
p 60 1/2



414 E 65TH ST. #6J • NEW YORK, NY 10021-7144 • 212-628-3126

HELICOPTER NOISE COALITION OF NEW YORK CITY

For more information call:
Joy Held, HNC President
at 212/628-3126

G.
HNC
Noise
Study

November 11, 1997

NEWS RELEASE

HNC Helicopter Noise Study Documents Intrusive, Potentially Dangerous Noise Levels

The Helicopter Noise Coalition of New York City (HNC) announces the results of its Helicopter Noise Study, conducted as part of its class action nuisance lawsuit against New York City et. al., filed by attorney Jack L. Lester in New York State Supreme Court, to close the East 34th Street Heliport. Co-plaintiffs on the HNC lawsuit include Congresswoman Carolyn Maloney, State Assemblymen Steven Sanders and Richard Gottfried and five community groups with 16,000 members -- Manhattan East Community Association (MECA), Roosevelt Island Residents' Association (RIRA), Sutton Area Community (SAC), the Soho Alliance and the Tribeca Association.

The HNC Helicopter Noise Study confirms the 34th Street Heliport as clearly intrusive and clearly violating all relevant regulations and standards by all who evaluate it. In addition, the heliport has been operating for 20 years without the required zoning special permit.

HNC p 61

During September and October 1997, Cowan Accoustical Associates conducted helicopter noise monitoring at three locations within the Rivergate Apartments, 401 East 34th Street, situated 250 feet from the heliport. (Contact person: James P. Cowan, telephone 215/579-9050). **The study documents helicopter noise readings of up to 94 decibels (dBA) on apartment terraces and 86 dBA inside apartments, an increase of 15-26 dBA over background noise, a 3 fold to 6 fold increase in loudness, directly attributable to helicopter take-offs, landings, idling and hovering.**

These measurements:

- * Agree with previous studies (the 1995 FEIS-Final Environmental Impact Statement -- East 34th St. Heliport and the 1992 NYU Medical Center Air Quality & Noise Study) which documented helicopter-induced noise increases of up to 30 dBA at Rivergate and 20 dBA at NYU Medical Center; found the heliport in constant violation of NYC noise standards; and offered no mitigation.
- * Exceed the allowable daytime (7AM to 10PM) noise levels in the NYC Noise Code (Local Law #64) of 65 dBA outdoors, with a 45 dBA indoor equivalent (when the heliport is fully operational).
- * Exceed the city's noise exposure standards that consider an increase of 3-5 dBA at a noise sensitive environment to constitute a significant adverse impact. **(HNC study documents a 26 dBA increase, a 6 fold increase in loudness over background noise.)**
- * Exceed the changes in noise level that result in "vigorous community action," documented in the EPA Guidelines.
- * Are sufficiently high to interfere with Rivergate residents' sleep, speech, and tasks requiring concentration and coordination; and to cause a host of stress-related illnesses.
- * Approach a hazardous noise environment (over 85dBA) that causes permanent hearing loss over prolonged exposure.
- * Cause rattling vibration of walls, windows, doors, ducts and hanging articles in residences and hospitals near the heliport, due to the particular low frequency helicopter noise signature.

For more information call : Joy Held, President of HNC at 212/ 628-3126

S.12.1 Helicopter Noise**A. Ground-Based Operating Restrictions**

The City, in conjunction with heliport operators should develop ground-based restrictions for idling times, engine run-ups due to maintenance, and training operations (by student pilots). Restrictions should be incorporated into the City-issued "Aviation Facility Licenses". The City should also maintain each heliport's hours of operation.

B. Noise-Related Heliport Improvements

1. *East 34th Street Heliport.* A noise barrier should be erected around the site's western perimeter to mitigate potential ground-level noise effects on nearby sensitive receptors.
2. *West 30th Street Heliport.* To reduce potential ground-level noise effects, movements to/from the single fueling pad can be minimized by extending fuel capabilities to the northern parking positions (without increasing capacity).
3. *Downtown Manhattan Heliport.* Noise events resulting from "fuel ferry flights" to/from West 30th Street could be eliminated if fuel were available. The City should work closely with the Fire Department and Port Authority to expedite the associated approvals process.
4. *Pier 76 Heliport (proposed).* The 51-foot tall pier shed that fronts Route 9A would serve as a built in noise barrier between heliport operations and proximate land uses, and should be incorporated into any design scheme.

C. Noise Monitoring. Noise equipment could be used to monitor heliport operations, including occurrences of excessive idling or after-hour flight activity. The City should determine the feasibility of installing a permanent noise monitoring system serving all sites or utilizing portable monitors (already owned by the City) to conduct spot-checking at sites proximate to heliport or flight paths. The City should seek legal counsel to determine if monitoring results can be used to impose noise-related fines for aircraft exceeding "normal" decibel thresholds.

D. Noise Abatement Programs. The City, through the Heliport Oversight Committee, should work with FAA and industry representatives to review and modify (as necessary) existing noise abatement procedures.

E. Electronic News Gathering. The City should take a co-lead position with ERHC and FAA in developing an ENG Operations Manual. Issues covered should include: minimum weather criteria, altitude considerations, hovering durations, and specific event-related guidelines. It should be determined what role, if any, the NYPD Aviation Unit can play in enforcing the resulting procedures.

F. Air Tour Routes

1. *Liberty Helicopter Northbound Hudson River Routes.* The City should work with FAA, Liberty and ERHC to shift northbound air tour routes out over the Hudson River by a distance that maximizes both noise mitigation and separation distances with other Hudson River Exclusion air traffic.
2. *Overall Route Structure.* The City should work with FAA to (1) formalize Liberty Helicopters' voluntary routes (incorporating the above modification) via a new Letter of Agreement and (2) obtain legal interpretation on whether or not FAA can require all commercial air tour operations in and/or adjacent to controlled airspace be conducted by specific letter agreement.

3. *Global Positioning System (GPS) Waypoints.* The FAA should publish GPS Waypoints along established heliport approach and departure routes and the region's low altitude helicopter route structure. Waypoints would provide a more accurate means to follow published routes, thereby eliminating inadvertent overflights of noise-sensitive neighborhoods.

G. *Quieter Aircraft (new technology).* The City should seek legal counsel in determining if any financial incentives (i.e., reduced fees/rent) can be afforded to helicopter operators that fly new technology aircraft as well as heliport operators that encourage their use.

H. *FAR Part 161 Restrictions.* Given that no airport or heliport in the U.S. has enacted Part 161 restrictions on Stage 2 aircraft (fixed or rotary-wing), the City should obtain legal counsel should it decide to pursue such restrictions.

S.12.2 Community Opposition/Concerns

A great deal of heliport/helicopter opposition relates to the lack of communication between the various parties. As such, the following recommendations relate to increasing communication.

A. *Federal Aviation Administration.* Although the City has no direct jurisdiction or authority to address local airspace/flight path-related issues, it should be included in any FAA mitigation efforts. The City's operational knowledge of the heliport system would greatly assist the FAA, who has limited involvement with East 34th and West 30th Street. Therefore, the City and FAA should establish an effective dialogue and working relationship to jointly address local helicopter-related issues.

B. *Congressional Delegations.* The City should assist local delegations in their efforts to expand FAA's regulatory authority and empower local residents to better control the City's helicopter traffic.

C. *Heliport Oversight Committee.* The City should establish an Oversight Committee to review heliport operating practices and activity levels, and investigate public concerns regarding potential noise and safety issues. Members should include FAA, Office of the Mayor, interested and involved City agencies, NYSDOT, heliport and helicopter operators, representatives from affected community boards and local-elected officials, and other interested parties. EDC should serve as Chair. The existing Manhattan Borough President's and Brooklyn Helicopter task forces should continue as necessary and should be represented on the Oversight Committee.

D. *Complaint Hot Line.* EDC should establish and maintain a dedicated 24-hour helicopter complaint hot line to address local issues. Complaint information should be logged and mapped to identify specific trends, and forwarded to ERHC for membership distribution.

E. *Aerial Cinematography Notification Process.* Upon verifying that a proposed aerial cinematography operation is consistent with an operator's TV/Film manual, FAA should notify the Mayor's Office of Film, Theatre, and Broadcasting of the operation's time and location. The Mayor's Office should in turn notify, NYPD Aviation, EDC, and the affected community board(s).

S.12.3 System Redistribution/Regulatory Authority

A. *Air Tour Policy.* The City recognizes that heliports play a role within its transportation infrastructure. Air tours, however, are not viewed as transportation and will not be supported at City-owned facilities.

B. *Heliport Facilities.* If the State does not adopt the City's air tour policy, the system should consist of no less than three facilities. No single heliport can adequately serve the forecasted demand for

helicopter access. If there were no air tour activity, it may be feasible to accommodate the remaining activity segments at two facilities.

C. Heliport Management. The City should pursue a single-entity management option where it gains control of all heliports and contracts out management services to a qualified and experience aviation management firm. If the City establishes an "Airports Authority" to operate JFK and LaGuardia, it should also be responsible for heliport system management.

D. Facility Expansion. This Study was completed under a constrained growth scenario, meaning that recommended facility improvements focus only on safety and efficiency and do not consider any facility expansion to accommodate the forecasted growth in air tour activity.

E. FAA Heliport Design Guidelines. Consistent with the FAA's guidelines, the existing heliport layouts should not be modified to reflect current FAA helicopter parking separations until either Pier 76 is established or such time as a major expansion or reconstruction is undertaken.

F. System Scenarios. In the short-term, Scenario #7 (redeveloping West 30th Street with air tours) should be pursued. Operational disruptions would be minimized as would community-related impacts at other heliports. Air tours should continue until such time that the City, State and FAA can develop an effective policy. As for the long-term (with no air tour activity), replacing West 30th Street with a Pier 76 facility (Scenario 3) provides an opportunity to create a state-of-the-art heliport to support forecasted corporate demand and accommodate tiltrotor aircraft of the future.

G. Zoning Special Permits. EDC, through the Heliport Oversight Committee, should pursue 10-year permits with a mid-term environmental review. If conditions have not significantly changed (as defined by CEQR) a permit should remain in effect for the remaining years.

H. Brooklyn Navy Yard Heliport Proposal. EDC, through the Deputy Mayor's Office, should assume lead agency status for the proposal's CEQR process. In addition, EDC should review the project pursuant to the City's Aviation Rules and Regulations, which provide the City with ultimate approval on establishment of any new aviation facilities within its limits. The City has yet to take a position on the Navy Yard concept.

I. City Aviation Rules and Regulations. EDC should take steps to clarify City Aviation Rules and Regulation enforcement issues, including a reversal of DOT's policy that licenses/permits do not have to be issued on an annual basis.

J. Record Keeping. Through its Aviation Facility Licenses, the City should require heliport operators to provide monthly operational breakdowns by mission and aircraft type.

5.12.4 Safety Considerations

A. Retain Aviation Safety Firm. The City and State (preferably in a joint effort) should hire a qualified and experienced aviation safety firm to develop a "Part 139-like" program for East 34th and West 30th Street. The firm should regularly inspect the facilities to ensure compliance with applicable regulations. Safety findings and recommendations should be incorporated into each heliport's annual Aviation Facility License.

B. Hudson River Para-Sail Operation. Given the recent shift of air tour activity into the Hudson Exclusion, the FAA should reexamine its recent waiver allowing para-sail operations out of Battery Park City's North Cove Marina.

HNC p65



New York City
Economic Development
Corporation

NYC Heliport and Helicopter Master Plan Study Community Participation Questionnaire

EDWARDS AND KELCEY
ENGINEERS, INC.



The New York City Economic Development Corporation requests your assistance in identifying specific community-related issues regarding the operation of heliports and/or helicopters. Your response to this survey will help assess the impacts on city residents. Please answer the following questions and place the completed form in the box located by the door as you leave tonight's meeting.

1. Please list the closest intersection to your home or business where heliport/helicopters are an issue for you.
 _____ Borough: _____

2. What is your greatest concern at the above location relating to heliports and/or helicopters (please check one):
☐ Noise ☐ Safety ☐ Other (please specify) _____

3. Is the concern at your location related to (please check all that are applicable):
 - a. Takeoffs, landings or idling at a specific heliport ☐ Yes ☐ No
 If yes, which heliport facility:
☐ East 34th Street ☐ East 60th Street
☐ West 30th Street ☐ Downtown Manhattan

 - b. Helicopter flight paths ☐ Yes ☐ No

 - c. Low-flying helicopters ☐ Yes ☐ No

 - d. High frequency of flights ☐ Yes ☐ No

 - e. Time of day ☐ Yes ☐ No
 If yes, please specify problem period (check no more than two periods):
☐ 5AM - 8AM ☐ 8AM - 11AM ☐ 11AM - 2PM
☐ 2PM - 5PM ☐ 5PM - 8PM ☐ 8PM - 11PM
☐ 11PM - 5AM

 - f. Other (please specify) _____

4. Are your concerns prominent (please check) ☐ year round or ☐ during a particular season (please specify):
☐ spring ☐ summer ☐ autumn ☐ winter

5. How long has your heliport/helicopter concern been an issue (please check one):
☐ 1 year or less ☐ 1 to 5 years ☐ 5 years or more

6. What category of helicopter operations do you perceive is the cause of your concern (please check no more than two):
☐ Helicopter sightseeing ☐ Corporate transportation ☐ Police/air ambulance
☐ News media ☐ Not sure

7. Please describe your concern in more detail (if necessary):

Thank you for your participation in the NYC Heliport and Helicopter Master Plan Study.

HNC P66



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HELICOPTER NOISE COALITION **OF** NEW YORK CITY

I
HNC
Master
Plan
Critique

-3126

Problems with NYC Heliport and Helicopter Master Plan

For distribution at Master Plan Public Meeting #2

December 2, 1997

The NYC Heliport and Helicopter Master plan fails to address community concerns and provide for community participation in the following ways:

1. No community input into work scope.
2. No measure of helicopter overflights neither originating nor terminating in NYC.
3. Helicopter Noise Coalition (HNC) and Manhattan Task Force omitted from data collection interviews and meetings.
4. Community impact measures inadequate.
 - a. Need city-wide community survey -- questionnaires distributed at only one public meeting (75 collected vs. 900 helicopter users surveyed and more in process).
 - b. Noise study needs to be expanded to more residences city-wide to encompass both heliport and overflight activity (of 14 sites monitored only 3 were residential).
 - c. Need measures of community impact regarding fumes, health, safety and quality of life, and examination of others affected -- businesses adversely impacted, noise at Statue of Liberty, national security at UN, impact on parks, etc.
5. Need to factor adverse community impacts into cost-benefit analysis -- income lost, health costs, property value decreases, liability costs, etc.
6. Forecasting omits modeling for no-growth, reduction or elimination of flights and closing of heliports, instead focusing on growth and new heliports.
7. Need to include mitigation for all negative environmental, health and safety impacts.
8. Technical Advisory Committee (TAC) slanted toward industry by including international and regional helicopter industry associations while excluding HNC, the major community advocacy group.
9. TAC meetings closed to the public and the press, in violation of NY State Open Meetings Law.

HNC p 67

10. Inadequate notice of public meetings (2 week's notice to community boards: no notification to HNC, Manhattan Helicopter Task Force, press; spotty notice to politicians) -- need minimum one (1) month's notice to allow for community mailings and participation.

11. Need more than 3 public meetings on Master Plan, with more time for public comment made directly (not through written questions).

12. Follow up; HNC advocates establishment of permanent Community Advisory Board including HNC, with regular meetings to advise city on helicopter policy.

13. HNC also advocates city pursue outreach to relevant bodies -- EPA, FAA, state, regional groups, media, others -- for needed regulation of helicopter industry.

As the Helicopter Master Plan will form the basis of helicopter policy in NYC over the next 20 years, the above measures are essential to protect public health, safety and well-being.

Joy A. Held (mm)
Joy A. Held
President

See 12/8/97 Addendum

1-1WC p 68



HELICOPTER NOISE COALITION OF NEW YORK CITY

December 8, 1997

Problems with NYC Heliport/Helicopter Master Plan -- Addendum

The delegation of a planning study to an agency for economic development ensures a bias toward industry growth in the design and conduct of the study. All 5 objectives promote economic development of the helicopter industry while only 2 mention environmental concerns, despite long-standing and growing community opposition to helicopter traffic in and over NYC. Data collection is similarly skewed to favor industry interests while minimizing community distress.

Item 3-- It is ludicrous to omit the Manhattan Borough President's Helicopter Task Force from the study, (MBPO) given the location of the 4 heliports in Manhattan and the magnitude of overflights there, the expertise of the Task Force drawn from 2 years of activity, and the fact that this body represents the only place where people from all 5 boroughs are welcome to come to discuss this issue.

Item 3 -- Similarly, to omit the Helicopter Noise Coalition of NYC (HNC) from the study is to ignore the major anti-helicopter community advocacy group with its vast knowledge of the locus and nature of problems experienced by neighborhoods throughout the city. HNC, a coalition of individuals and community groups with 16,000 members includes Manhattan East Community Association (MECA), Roosevelt Island Residents' Association (RIRA), Sutton Area Community (SAC), the Soho Alliance, the Tribeca Association, and the Long Island City Interblock Association.

Items 4 A & C -- Bias is most acute regarding the community survey. Technical Memo #1 states "To ensure maximum passenger coverage at each heliport an extensive survey effort was conducted" (p. 40). Air tour and corporate passengers, helicopter owners and helicopter operators are all to be surveyed. When problems arose getting corporate user data, the collection regimen was modified.

Conversely, community surveys were distributed at 2 public meetings which had inadequate public notification, hardly an "extensive survey effort". Yet from this paltry sample Edwards & Kelsey speak definitively about the location, magnitude and nature of community complaints citywide --fallacious generalizing from an inadequate sample.

A citywide community survey is urgently required -- given to all community boards for distribution, both Borough Task Forces, city elected officials at all levels of government, all relevant community organizations and notices announcing the study should be published in the press. HNC already knows that city residents are concerned about corporate and commercial helicopters as well as sight-seeing and media, and that concern about noise is joined by other

HNC p 69

concerns regarding air pollution, helicopter crashes and lack of regulation, etc. Similarly, the conclusion concerning 3 or 4 pockets of complaints citywide is premature. HNC members span the Lower East Side, Greenwich Village, Chelsea-Clinton, the Upper West Side, the East Village, Harlem, Brooklyn, Long Island City, Roosevelt Island, Murray Hill, Tribeca, Soho, the Wall Street and South Street Seaport area, and even New Jersey. Certainly additional data is needed to assess the effects of the recent Liberty Helicopter route change on Westsiders all along the Hudson. Also, affected businesses should be surveyed about adverse impacts.

Item 4B -- Of the 14 sites monitored for helicopter noise only 3 were residential and only one of the residences faced a river. More extensive noise monitoring at residences throughout the city is required to assess the full magnitude of the noise problem. Several community residents who volunteered their homes for noise monitoring at the first public meeting were never contacted. Furthermore, truer measurements would be obtained if the industry were not given advance notice as to when and where the noise measurements were to be conducted.

The study should prepare a helicopter noise map for the entire city, based upon the number of flights, routes used, known volume of noise emitted (every helicopter noise level is certified), etc. -- including noise from overflights as well as take-offs, landings, idling and hovering.

Technical Memo #1 expresses surprise at the high readings at a Roosevelt Island residence, but HNC and the City's 1995 EIS found similar readings at a residence near the East 34th Street heliport. The study fails to relate known heliport noise readings to the NYC Noise Code. Anything less than a comprehensive community data collection effort is a travesty.

Item 5 -- At Public Meeting #2 Ms. Jaffe stated that community costs can't be factored into a cost-benefit analysis because such costs (lost income, health costs, etc.) are hard to measure. A cost-benefit analysis that leaves public suffering out of the equation is bogus.

Item 6 -- Forecasts are to be done for 5, 10 and 20 year intervals based upon heliport capacity and passenger demand, once again omitting community demands for contraction and relief from the equation. Community outcry is clear -- none of the affected parties (neighborhoods, community boards, community groups) wants helicopters and certainly no one wants increased traffic in their area. Why will the study address only the closure of the East 60th Street heliport? The community next to the East 34th Street heliport has been protesting for years, Downtown Manhattan heliport evokes protests from Lower Manhattan and Brooklyn residents, increased traffic from West 30th Street heliport concerns Westsiders, etc. Rather than accept helicopter traffic and heliports as givens, the study should examine the rationale for maintaining the industry and each heliport and do projections for all possible options -- growth, status quo, contraction and elimination of the industry. How do projections for sightseeing helicopters square with the city's repeated assertions of interest in eliminating such traffic from the city?

Item 8 -- The TAC should also include the Brooklyn and MBPO Task Forces, politicians, all community boards.

Item 9 -- Must the public resort to legal remedies to secure our rights?

Item 11 -- Technical Report #1 derides the lack of community dialogue at Public Meeting #1 and then EDC prevents the public and most politicians from speaking at all at Public Meeting #2 by restricting the public to written questions. Regarding this format, many questions were never addressed and many others were poorly answered, with the public given no opportunity for

HNC p 70

follow-up or comment. If some elected officials are allowed to speak, then all should be. Muzzling the public and elected officials at a "public" meeting is counter productive. Stifling input and dissent brings increased levels of protest.

Item 12 -- Community opposition to helicopter traffic and heliports in NYC will continue to fester and escalate until the community is brought into helicopter policy making in a meaningful way.

Item 13 -- With the largest volume of helicopter traffic in the country, NYC must take a leadership position in seeking and obtaining much needed industry regulation. Until binding regulation is put in place, the city must pursue other available avenues of constraint.

Handout at Public Meeting # 2 -- It is disingenuous to highlight decreased traffic at the East 34th Street heliport when current low traffic there is an artificial lull between the eviction of National Helicopter Corp. last August and the resumption of full-scale activity when the East 60th Street heliport closes shortly and corporate flights are relocated to East 34th Street.

Key to this struggle is the question of the taking of easements. The helicopter industry operates under the assumption that the sky belongs to them. Communities and increasingly courts disagree.

The Heliport and Helicopter Master Plan Study is too important to be slanted in favor of the helicopter industry while short changing valid community concerns. We require a community fair study and full community inclusion in the process of planning for the future of helicopters and heliports in NYC. Anything less violates the public trust.

Joy A. Held
Joy A. Held
President HNC

HNC p 71



New York City
Economic Development
Corporation

J
Sample
Helicopter
Oversight
Committee
Agenda

December 21, 1999

Ms. Joy Held
Helicopter Noise Coalition
414 East 65th Street, Apartment 6J
New York, NY 10021

Dear Ms. Held:

As you may know, a primary recommendation of the final report of the New York City Heliport and Helicopter Master Plan Study is that the City of New York establish a Helicopter Oversight Committee to review helicopter operating practices and activity levels, and investigate public concerns regarding potential noise and safety concerns.

The Oversight Committee will be holding its first meeting Wednesday, January 12, 2000, at the offices of the New York City Economic Development Corporation (EDC).

At this meeting, the Oversight Committee will address each of the major recommendations of the Master Plan Study, as described in Chapter 12 of the final report. These recommendations include:

- Ground-based operating restrictions.
- Noise-related heliport improvements.
- Noise-monitoring.
- Noise-abatement programs.
- Operations manual for news media helicopters.
- Cooperation between the City and the Federal Aviation Administration.
- Air tour policy.
- Heliport management.
- Future of west side heliport.

We will also be reviewing current activity at the City's heliports and examining issues of safety and capacity.

flwc p 72

Page Two
December 21, 1999

The meeting will begin at 10 a.m. in the Fourth Floor Conference Room at EDC, 110 William Street (near Fulton Street). Please call Joann Stevens at (212) 312-3568 to confirm your attendance or should you have any questions. Thank you again for your participation in this committee and we look forward to seeing you on January 12.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Jacobs', with a stylized flourish at the end.

Steven Jacobs
Senior Project Manager

HNC p73

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Legislation

HR 729

A 8276

A 2753

Bill 1 of 8

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Helicopter Noise Control and Safety Act (Introduced in the House)

HR 729 IH

106th CONGRESS

1st Session

H. R. 729

To provide for development and implementation of certain plans to reduce risks to the public health and welfare caused by helicopter operations.

IN THE HOUSE OF REPRESENTATIVES

February 11, 1999

Mrs. MALONEY of New York (for herself, Mr. TOWNS, Mr. NADLER, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To provide for development and implementation of certain plans to reduce risks to the public health and welfare caused by helicopter operations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Helicopter Noise Control and Safety Act'.

SEC. 2. DEFINITIONS.

HNC' p 74

For the purposes of this Act, the following definitions apply:

(1) **ADMINISTRATOR**- The term 'Administrator' means the Administrator of the Federal Aviation Administration.

(2) **HELICOPTER OPERATIONS**- The term 'helicopter operations' means any function which is reasonably related to helicopter traffic, including helicopter takeoffs, landings, and overflights.

SEC. 3. PLAN.

(a) **IN GENERAL**- If the Administrator determines, independently or after review of a study submitted under section 4, that helicopter operations pose a risk to the public health and welfare in a county or municipality with a population of more than 500,000, the Administrator shall develop and implement a plan, in accordance with this Act, to reduce that risk.

(b) **REQUIREMENTS**- A plan implemented pursuant to this Act must--

- (1) be related to the risk documented by the Administrator or by a study submitted under section 4;
- (2) reduce the documented risk in a reasonable way;
- (3) not adversely affect aviation safety; and
- (4) be technologically practicable and appropriate for the particular type of aircraft and aircraft operation to which it will apply.

(c) **OPTIONS**- A plan implemented pursuant to this Act may--

- (1) include curfew restrictions on the number and time of helicopter operations;
- (2) include restrictions on the daily number of helicopter flights, including different restrictions for weekday and weekend flights;
- (3) include restrictions on the type of helicopter used;
- (4) relate to a particular heliport or heliports, or to helicopter operations within the city generally;
- (5) include exceptions necessary for helicopter operations relating to administrative, emergency, media, and military operations; and
- (6) include any other restrictions on helicopter operations that may be necessary to protect public health and welfare.

SEC. 4. SUBMISSION OF PLAN; REVIEW; PUBLIC COMMENT; APPROVAL.

(a) **SUBMISSION**- A city, State, governmental subdivision, agency, or instrumentality, or a person

HNC P 75